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**ACTS**  
**OF THE**  
**GENERAL ASSEMBLY**  
**OF**  
**NEWFOUNDLAND**  
**1941**

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Newfoundland Statutes  
Statutes of Newfoundland



# ACTS

OF THE  
HONOURABLE COMMISSION OF GOVERNMENT  
OF NEWFOUNDLAND

1941.

534004

21.2.52

AND

# REGULATIONS

Made Under Defence Act, 1939 and Emergency Powers  
(Defence) Act, 1940,

Sept. 1st, 1939, to Dec. 31st, 1941.

PASSED IN THE FIFTH YEAR OF THE REIGN OF HIS  
MAJESTY KING GEORGE VI.

His Excellency Vice-Admiral Sir Humphrey Thomas Walwyn, Knight  
Commander of the Most Exalted Order of the Star of India,  
Knight Commander of the Most Distinguished Order of St. Michael  
and St. George, Companion of the Most Honourable Order of the  
Bath, Companion of the Distinguished Service Order, Governor  
and Commander-in-Chief in and over the Island of Newfoundland  
and its Dependencies.

ST. JOHN'S, NEWFOUNDLAND.

David R. Thistle, King's Printer.

1941





# INDEX

Act No.	Page
1. The Dog Acts, 1938-1941 .....	1
2. Seal Fishery (Amendment) Act .....	4
3. The Highway Traffic Act .....	5
4. Public Service Act (Supplementary Supply) .....	84
5. St. John's Municipal (Amendment) Act .....	86
6. Harbour Regulations for the Port of St. John's (Amendment) Act.....	96
7. The Merchant Shipping (Load Line Convention) Act.....	98
8. Co-Operative Societies Act, 1939.....	99
9. Newfoundland Militia (Amendment) Act, 1939 .....	103
10. Local Administration (Military Areas) Act.....	104
11. Commemoration Day Act .....	106
12. The American Bases Act .....	107
13. The Salt Codfish Temporary Levy Act.....	143
14. Railway Employees' Welfare Association, Limited, Loan Act.....	146
15. Labrador Mining and Exploration Company, Limited, Act.....	150
16. Artificial Fertilizers Act .....	153
17. Postal and Telegraph Services Act .....	154
18. Crown Lands (Amendment) Act .....	159
19. Public Service (Supplementary) Act .....	160
20. Public Service Act .....	162
21. Municipal (Amendment) Act .....	168
22. The Industrial and Provident Societies (Amendment) Act, 1919 .....	170
23. Standard Time (Newfoundland) Extension Act, 1941 .....	171
24. Management and Control of Harbours Act .....	172
25. The Excess Profits Tax Act, 1941 .....	173
26. Militia (Wartime Operation) Act .....	178
27. Conception Bay Passengers and Mail Contract Act .....	179
28. Revenue (Amendment) Act .....	193
29. Education (Amendment) Act .....	208
30. Railway Loan Act .....	218
31. Shop Closing (Amendment) Act .....	223
32. The Fishermen's Assistance Act, 1941 .....	227
33. Salt Codfish Association (Amendment) Act .....	249





## NEWFOUNDLAND



## AN ACT TO RESTRICT THE KEEPING OF DOGS

[10th. February, 1941]

- 1.—(1) Keeping of dogs in any area may be prohibited by regulation.
- (2) Exceptions.
- (3) Date when regulations become effective.
- (4) Penalties; order of magistrate for destruction of dogs.
- 2.—Proceedings and recovery of costs against owner of

## SECTION

- dog when order of magistrate not obeyed.
- 3.—Dog Act, 1938, to apply to dogs permitted in prohibited area.
- 4.—Licensing and prohibition of dogs under Dog Act, 1938; how affected.
- 5.—City of St. John's excluded.
- 6.—Short title.

Be it enacted by the Governor, by and with the advice of A.D. 1941.  
the Commission of Government, as follows:

1.—(1) The Governor in Commission may by regulation prohibit the keeping of dogs within any area of Newfoundland (including Labrador) described in such regulation, and from and after the date when any such regulation shall become effective no person shall keep or have any dog within the area therein described.

(2) The Governor in Commission may by any such regulation or by regulation in amendment thereof provide for exceptions from the prohibition so as to permit any class of persons or all persons to keep or have one or

more dogs of a particular kind or suitable for a particular purpose or without restriction as to kind or purpose in any such area or any part thereof for such period as may by any such regulation be prescribed or without limit as to time and subject to such conditions, if any, as may by such regulation be prescribed.

Date when  
regulations  
become  
effective.

(3) Every regulation made under this Act shall have effect as from the thirtieth day following the publication of such regulation in the Newfoundland Gazette or from such later date as shall be stated therein.

Penalties; order  
of magistrate  
for destruction  
of dogs.

(4) Any person who shall have or keep any dog contrary to the provisions of this Act, or of any regulation made hereunder, and the owner of any dog so had or kept, shall be liable on summary conviction to a fine not exceeding twenty-five dollars, and in default of payment to imprisonment for a term not exceeding fourteen days, and upon such conviction the magistrate may order the defendant to remove the dog to an area where it may lawfully be kept or may order the defendant to destroy the dog and any person failing to comply with any such order shall be liable to a penalty not exceeding five dollars for every day during which he fails to comply with such order.

Proceedings  
and recovery of  
costs against  
owner of dog  
when order of  
magistrate not  
obeyed.

2. Whenever a stipendiary magistrate shall make an order under this Act for the removal or for the destruction of a dog and such order shall not be complied with within the time specified in such order or, if no time be specified, within twenty-four hours, then such magistrate may make an order directing any person to destroy the dog and to enter if necessary upon the property of the defendant or of such person as may have custody of the dog, and such person directed by a magistrate may proceed in accordance with such order and may recover all reasonable costs and expenses of such destruction and disposal of such dog from the person, against whom such

order was made, by civil suit before any stipendiary magistrate.

3. All dogs permitted under the provisions of subsection (2) of Section 1 of this Act to be kept or had within an area wherein the keeping of dogs is prohibited under this Act shall be so kept or had subject to the provisions of the Dog Act, 1938, and no regulation made under this Act, which permits any person to keep or have any dog within any area, shall be construed as altering or amending any provision of the said Dog Act.

Dog Act, 1938, to apply to dogs permitted in prohibited area.

4. The powers conferred upon the Governor in Commission under Part I of the said Dog Act shall continue to be exercisable by him save in respect of any area in which a regulation under this Act is in effect for the time being.

Licensing and prohibition of dogs under Dog Act, 1938; how affected.

5. This Act shall not apply to the area comprised within the limits of the boundaries of the City of St. John or within one mile thereof in any direction.

City of St. John's excluded.

6. This Act and the Act No. 50 of 1938 may be cited together as The Dog Acts, 1938-1941.

Shore title.



AN ACT FURTHER TO AMEND CHAPTER 162 OF  
THE CONSOLIDATED STATUTES (THIRD SER-  
IES) ENTITLED "OF THE PROSECUTION OF  
THE SEAL FISHERY".

[8th March, 1941]

SECTION 1.—Temporary provision for 1941 seal fishery.

A.D. 1941.

**Be it enacted by the Governor, by and with the advice of  
the Commission of Government, as follows:**

Temporary  
provision for  
1941 seal  
fishery.

1. Notwithstanding anything contained in Section 16 of Chapter 162 of the Consolidated Statutes (Third Series) entitled "Of the Prosecution of the Seal Fishery" it shall be lawful for the Commissioner for Natural Resources to permit the killing of seals on Sunday if in the opinion of the said Commissioner the prohibition contained in the said Section 16 operates to the disadvantage of Newfoundland nationals in the prosecution of the seal fishery of the present year.

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AN ACT RELATING TO THE USE AND OPERATION  
OF VEHICLES ON HIGHWAYS AND FOR  
OTHER PURPOSES

[29th March, 1941]

SECTION

- 1.—Interpretation.
- 2.—(1) Registration of motor vehicles, licensing, identification plates.  
(2) Permits for single journeys of vehicles.  
(3) Penalty.
- 3.—(1) Application for registration.  
(2) Examination of motor vehicles  
(3) Limitation of passengers in public service vehicles.  
(4) Limitation of gross weight of goods vehicles.  
(5) Protective speed limit for special vehicles.  
(6) Offence.
- 4.—Cancellation and refusal of licences.
- 5.—(a) Defacing plate.  
(b) Using defaced plate.  
(c) Removing plate  
(d) Using plate not issued.  
(e) Using plates, etc., of confusing nature,

SECTION

- (f) Surrender of plates when licence cancelled.
- 6.—Seizure of plates in certain instances.
- 7.—Issue of licences.
- 8.—Conditions of issue of licences.
- 9.—Classes of vehicles.
- 10.—(1) Drivers' licences.  
(2) Persons learning to drive.  
(3) Penalty.
- 11.—Production of licences.
- 12.—Regulations as to registration and licences.
- 13.—(1) Traffic signs; kinds and purpose thereof.  
(2) Erection of signs.  
(3) Purposes of signs.
- 14.—Kinds and descriptions of signs.
- 15.—Identification of signs; regulations for prohibition of similar objects.
- 16.—Presumption of lawful erection.
- 17.—(1) Signification of indications may be prescribed.

## SECTION

- (2) Exemption of certain vehicles.
- (3) Area to which applicable.
- (4) Signs general unless otherwise specified.
- (5) Signs of special application.
- 18.—Prohibition of unauthorised signs.
- 19.—Interference with traffic signs.
- 20.—(1) Removal of objects resembling signs.
- (2) Commissioner's powers of removal.
- 21.—Regulations may provide for the offence of failure to obey certain signs.
- 22.—Neglect of traffic directions of constable.
- 23.—Regulations as to use, construction and equipment of vehicles.
- 24.—Regulations for public service vehicles.
- 25.—Regulations for traffic control.
- 26.—Effect of contravention of regulations.
- 27.—Regulations in First Schedule to have effect.
- 28.—Repeal of previous regulations.
- 29.—Police orders.
- 30.—(1) Prohibition of motor vehicles not complying with regulations as to construction, etc.
- (2) Offence.
- 31.—(1) Speed limits.
- (2) Exemptions.
- 32.—Local bye-laws, effect of.
- 33.—(1) Age limit for drivers of motor bicycles.
- (2) Age limit for drivers of motor vehicles.
- (3) Drivers incompetent from physical disability.
- (4) Employment of persons prohibited from driving.
- 34.—(1) Obstruction or damage to highway endangering traffic.

## SECTION

- (2) Deposit of injurious material on highway.
- 35.—(1) Duty to stop in case of accident.
- (2) Reporting property damage.
- (3) Report to police.
- (4) Report to be made within 24 hours.
- (5) Report when damage exceeds \$50.00.
- (6) Penalty.
- 36.—(1) Driving when under the influence of drink or drug.
- (2) Person in charge of moving vehicle.
- (3) Person in charge of stationary vehicle.
- (4) Arrest.
- 37.—(1) Reckless driving.
- (2) Arrest.
- 38.—Careless driving.
- 39.—(1) Taking vehicle without consent of owner.
- (2) Arrest.
- 40.—Motor racing.
- 41.—Leaving vehicles in dangerous positions.
- 42.—Ascertainment of weight of load.
- 43.—(1) Restrictions on carrying persons on bicycles.
- (2) Restrictions on cyclists riding abreast.
- (3) Other restrictions on cyclists.
- (4) Restrictions on persons being carried on motor cycles.
- (5) Persons liable.
- (6) Penalty.
- 44.—Conviction for reckless driving upon manslaughter charge.
- 45.—(1) Disqualification for driver's licence on conviction under Sec. 36.
- (2) Disqualification upon conviction under Sec. 37.
- (3) Disqualification upon conviction under Sec. 31 and Sec. 38.

## SECTION

- (4) Disqualification upon conviction under Sec 33 (3).
- (5) Interpretation.
- 46.—(1) Licence suspended on disqualification.
- (2) Effect of suspension.
- (3) Application for removal of disqualification.
- 47.—(1) Endorsement of licences.
- (2) Production of licence.
- (3) Endorsement to be evidence.
- 48.—(1) Fraudulent application for driver's licence.
- (2) Duty to disclose previous refusal of licence.
- 49.—(1) Giving false information.
- (2) Cancellation or alteration of licence.
- 50.—Fraudulent imitation, etc., of documents and plates.
- 51.—(1) Refusing to give name or address, or giving false name or address.

## SECTION

- (2) Duty to give information to identify driver.
- 52.—(1) Liability of owner for damages.
- (2) Exclusion of special provision for liability in case of gratuitous passengers.
- 53.—Liability of owner for penalties.
- 54.—Avoidance of contracts so far as restrictive of liability in respect of death or injury to passengers in public service vehicles.
- 55.—Detaining of vehicle.
- 56.—(1) General penalty.
- (2) Consecutive offences.
- 57.—Limitation of time for summonses.
- 58.—Trial of offences.
- 59.—Fines, disposition of.
- 60.—Regulations, publication and coming into effect thereof.
- 61.—Repeal.
- 62.—Short title.
- First Schedule.
- Second Schedule.

Be it enacted by the Governor, by and with the advice of A.D. 1941.  
the Commission of Government, as follows:

## PART I.

## Interpretation.

1. In this Act and in any regulations made here- Interpretation.  
under unless the context otherwise requires—

(1) "Commissioner" shall mean the Commissioner for Public Utilities.

(2) "commercial motor vehicles," shall mean vehicles designed to carry goods or to carry more than six passen-

gers in addition to the driver, including all trucks, delivery waggons, hearses, fire engines, traction engines, and other motor vehicles designed for commercial, agricultural or industrial use, but not including public service vehicles as hereinafter defined.

(3) "constable" shall include all members of the Newfoundland Constabulary and of the Newfoundland Rangers.

(4) "Department" shall mean the Department of Public Works.

(5) "highway" shall include a common and public highroad, road, street, avenue, parkway, driveway, square, place, bridge, culvert, viaduct or trestle, designed and intended for, or used by, the public for the passage of vehicles.

(6) "inspector" shall mean any person appointed by the Commissioner to examine vehicles.

(7) "licensing officer" shall mean any person appointed by the Commissioner to issue licences under this Act and for other purposes of this Act.

(8) "motor vehicle" shall include automobile, motor bicycle, and any other vehicle propelled otherwise than by muscular power; but shall not include vehicles running upon fixed rails, or trailers within the meaning of this Act.

(9) "maximum gross weight" shall mean, in reference to a commercial motor vehicle, the tare together with the load, including the weight of the driver and of any other persons carried, and, in reference to a public service vehicle, the tare together with the weight of the driver (and conductor, if any) and of the number of passengers for which the vehicle is licensed, and for the purposes of



any regulations, unless otherwise provided therein, the weight of any person shall be taken as one hundred and fifty pounds.

(10) "owner" in the case of a motor vehicle that is registered shall mean the person in whose name the vehicle is registered: Provided that in the case of a motor vehicle which is the subject of a hire-purchase agreement it shall mean the person in possession of the vehicle under that agreement.

(11) "prescribed" shall mean prescribed by the Commissioner by order in writing.

(12) "public service vehicles" shall mean vehicles designed or used for carrying passengers for hire or reward at separate fares, but shall not include motor vehicles designed to carry less than seven passengers in addition to the driver.

(13) "traffic" includes all vehicles, pedestrians and all animals ridden, driven or led on any highway.

(14) "trailer" shall mean any vehicle which has no motive power of its own and which is attached to a tractor or other motor vehicle at any time upon a highway but does not include an implement of husbandry temporarily attached nor a side car attached to a motor cycle.

(15) "vehicle" shall mean every device in, upon or by which any person or property may be transported or drawn upon a public highway, but excepting devices used exclusively upon fixed rails.

(16) "tare" shall mean the actual weight of a motor vehicle when unladen but including the body, batteries, loose tools, spare wheels and other usual equipment and

a full supply of water and fuel used for the purposes of propulsion.

(17) "traction engine" shall mean any mechanically propelled vehicle running on wheels or caterpillar tracks, not constructed itself to carry any load (other than the following articles, namely: motor tools, storage batteries and other equipment used for the purpose of propulsion, and loose tools and equipment) and shall include snow ploughs, road conditioning machines and the like.

## PART II.

### Registration and Licensing of Motor Vehicles and Drivers

Registration of  
motor vehicles,  
licensing,  
identification  
plates.

2.—(1) Save as in this section provided no person shall drive or, being the owner, shall permit any other person to drive a motor vehicle on a highway unless—

- (a) such vehicle and any trailer drawn by such vehicle are registered under this Act; and
- (b) there is in effect a valid licence, appropriate to the class of vehicle, issued under this Act in respect of such vehicle and a valid licence in respect of any trailer drawn thereby; and
- (c) there is affixed to such vehicle, and to any trailer drawn thereby, in the manner required by regulations made hereunder either—
  - (i) the identification plates issued by the Department in respect of such vehicle and trailer and valid for the time being; or
  - (ii) in the case of a vehicle temporarily in Newfoundland such other identification plates or marks as may be prescribed by the Commissioner or by regulations; or

(iii) in the case of a vehicle operated under a dealer's general licence one set of the identification plates issued with such licence.

(2) In order to permit a vehicle or trailer to be driven on a road for the purpose of being registered or to be moved from one place to another for repair or to be inspected for registration, an officer of the Department, or in places outside of St. John's a constable, may issue a permit which shall be valid to exempt any person from liability under the provisions of this section in respect of the use of a motor vehicle or trailer for a single journey to be specified in the permit and subject to compliance with any conditions which may be contained in the permit requiring the affixing of any special temporary mark and the manner in which it is to be displayed upon the vehicle while on a highway. <sup>Permits for single journeys of vehicles.</sup>

(3) If any person acts in contravention of the provisions of this section he shall be liable to a penalty not exceeding two hundred and fifty dollars. <sup>Penalty.</sup>

3.—(1) Application for the registration of a motor vehicle or trailer shall be made by the owner on the prescribed form which must be duly completed by the applicant and be accompanied by such fee as may be prescribed by regulation. <sup>Application for registration.</sup>

(2) Before registering any motor vehicle or trailer the licensing officer may require verification by statutory declaration or otherwise of all the particulars entered on the form of application and may, if he deems it necessary, send any vehicle to be examined and tested by an inspector for the purpose of ensuring that it is of such construction and in such condition as may be suitable for the purpose for which it is sought to register the vehicle. The owner shall at his own expense facilitate such examination and test and shall, if required, dismantle and expose any part of the mechanism or machinery. <sup>Examination of motor vehicles.</sup>

Limitation of passengers in public service vehicles.

(3) Before registering any public service vehicle the licensing officer may ascertain in the manner prescribed the maximum number of passengers which the vehicle may be authorized to carry and such maximum number shall be entered in the records and there may be attached to the licence as a condition thereof that the vehicle may not carry passengers in excess of the number authorized.

Limitation of gross weight of goods vehicles.

(4) Before registering any motor vehicle which is so constructed that its primary purpose is the carriage or haulage of goods, merchandise or other loads, or any trailer, the licensing officer may ascertain in the manner prescribed the maximum gross weight at which the vehicle with load may be operated and such maximum gross weight shall be entered in the records and there may be attached to the licence as a condition thereof a prohibition of the use of the vehicle in excess of such maximum gross weight.

Protective speed limit for special vehicles.

(5) Before registering any motor vehicle or trailer which, because of its size or weight or because of the construction of the vehicle, may be a source of danger to any persons travelling by the vehicle or to other users of the highway or may be injurious to the highway itself the licensing officer may enter in the records and attach to the licence for any such motor vehicle or trailer special conditions which may restrict its use to certain highways or classes of highways or parts thereof and which may prescribe the maximum speed at which it may be driven on any highways or classes of highways or parts thereof.

Offence.

(6) If any person shall drive a vehicle upon a highway or, being the owner, cause or permit a vehicle to be driven upon a highway in contravention of any condition attached to a licence he shall be guilty of an offence.

Cancellation and refusal of licences.

4. A licensing officer may cancel or suspend or refuse to issue or renew a licence for a motor vehicle or trailer if an inspector certifies in writing that the motor vehicle



or trailer is so constructed or is in such a condition as to be a source of danger to any persons travelling by the vehicle or to other users of the highway or to be injurious to the highway itself or if it appears that the vehicle or the use thereof contravenes any provisions of this Act or regulations made hereunder: Provided that the owner of a motor vehicle or trailer in respect of which the licence is cancelled or suspended or for which the issue or renewal of the licence is refused may, by written application, appeal against the decision of the licensing officer to a stipendiary magistrate who may, if he thinks fit, direct the licensing officer in writing to withhold, grant or issue the licence applied for or to reinstate the licence.

5. Any person who—

- (a) defaces or alters any identification plate or mark <sup>Defacing plate.</sup> required to be affixed to a vehicle; or
- (b) uses or permits the use of a vehicle bearing an <sup>Using defaced</sup> identification plate or mark, required in respect of <sup>plate.</sup> such vehicle, which is defaced or altered; or
- (c) without the authority of the owner removes from <sup>Removing plate</sup> a vehicle any identification plate or mark required in respect of such vehicle; or
- (d) uses or permits the use of any identification plate <sup>Using plate not</sup> or mark upon a motor vehicle other than the plate <sup>issued.</sup> or mark issued for such vehicle by the Department or prescribed therefor by the Commissioner or by regulations; or
- (e) uses or permits the use of any mark or number or <sup>Using plates,</sup> plate upon a motor vehicle capable of being con- <sup>etc., of con-</sup> fused with the identification plate or mark of the <sup>fusing nature.</sup> vehicle issued or prescribed therefor; or

Surrender of  
plates when  
licence  
cancelled.

- (f) being the owner or having the custody of a vehicle in respect of which the licence is suspended or cancelled under Section 4 of this Act refuses or fails to surrender the identification plates to any licensing officer or inspector requiring the same;

shall be guilty of an offence.

Seizure of  
plates in  
certain  
instances.

6. Any constable who has reason to suspect that a vehicle has exposed thereon an identification plate which was not issued for it, or which, although issued for it, was obtained by false pretences, or which is being used contrary to regulations made under this Act, may take possession of such identification plate and retain it until the facts as to the carrying of such plate have been determined.

Issue of  
licences.

7. Drivers' licences may be issued to such persons for such periods and upon such terms and subject to such conditions as may be prescribed by the Commissioner.

Conditions of  
issue of  
licences.

8.—(1) No person shall be licensed as a driver unless his physical fitness, ability to drive, knowledge of motor vehicles and of the rules of the road shall have been examined and certified by an examiner appointed by the Commissioner: Provided that a licensing officer may issue a driver's licence to any person without such examination or certificate upon being satisfied of the qualifications of such person and that such person has previously held a driver's licence valid under the laws of Newfoundland or of his country of residence.

(2) The Commissioner may refuse to issue or renew a driver's licence in any case where he is not satisfied as to the physical fitness, habits, character or record of the applicant.

Classes of  
vehicles.

9. A driver's licence shall not be valid save in respect of the class or classes of motor vehicles therein men-

tioned: Provided that the licence may by endorsement thereon by the licensing officer be extended to any other class of vehicle.

10.—(1) Save as in this section provided, no person shall drive a motor vehicle on a highway unless he is the holder of a valid driver's licence, and no person shall employ or, being the owner, shall permit any other person to drive a motor vehicle on a highway unless such person is the holder of a valid driver's licence. Drivers' licences.

(2) For the purposes of learning to drive a person not having a driver's licence may drive any motor vehicle, not being a taxi carrying passengers or a public service vehicle, upon a highway under the direction of a licensed driver personally present in the vehicle and sitting next to the driver: Provided that this section shall not apply in respect of any person who is disqualified from holding a licence or who has been refused a licence on any ground other than the failure of a test in his ability to drive, and provided further that the Commissioner may by regulation restrict the conditions under which persons learning to drive may drive upon highways. Persons learning to drive.

(3) If any person acts in contravention of the provisions of this section he shall be liable to a penalty not exceeding two hundred and fifty dollars. Penalty.

11. The driver of a motor vehicle shall, on being required by any constable in uniform so to do, produce his driver's licence for examination so as to enable such constable to ascertain the name and address of the holder of the licence and any other particulars entered thereon and if he fails so to do he shall be liable on summary conviction to a fine not exceeding twenty-five dollars: Provided that, if within forty-eight hours after the production of his licence was so required, the holder produces the licence at such police station as may be specified to him by such constable at the time when production was required he shall not be convicted under this section. Production of licences.

Regulations as  
to registration  
and licences.

**12.** The Commissioner may make regulations further to provide for giving effect to the provisions of this Part of this Act and, in particular, for any of the purposes or with reference to any of the matters hereinafter set forth, namely:

- (a) the registration of motor vehicles and trailers and different classes thereof and the particulars to be supplied upon application for registration and the manner of verification thereof;
- (b) licences to owners in respect of vehicles registered and the issue, renewal, transfer, and period of validity thereof, and, subject to the approval of the Governor in Commission, the fees to be paid upon any issue, renewal or transfer thereof;
- (c) licences to such dealers in, manufacturers and repairers of, motor vehicles or trailers, as may be approved for the purpose by the Commissioner, to authorize the use of motor vehicles or trailers by the licensee when used under the authority of such licence, solely or principally in connection with the business of the licensee, or in being tested, or in being moved to effect repairs, or to obtain registration, or to effect a sale, and the conditions subject to which the same may be issued and the period of validity thereof and, subject to the approval of the Governor in Commission, the fees to be paid therefor, and to provide for:
  - (i) the number of vehicles which may be used under any one licence and the kinds of vehicles to be used under the licence and for restricting their use; and
  - (ii) the conditions under which identification plates for such vehicles may be used and interchanged; and



(iii) the persons who may be in charge of such vehicles while used on a highway; and

(iv) requiring records to be kept and reports to be made of use of vehicles under the licence; and

(v) dispensing with or varying the requirements in respect of registration of any vehicle used under such licence prior to its first sale in Newfoundland; and

(vi) the cancellation or suspension of any licence on breach of its conditions or of regulations in respect thereof;

- (d) the examining and testing of motor vehicles and trailers by inspectors before the registration thereof or the issue or renewal of a licence therefor for the purpose of ensuring in any case that the vehicle is of such construction and in such condition as may be necessary to comply with any regulations for the time being in force in respect of the class of vehicles to which it belongs;
- (e) licences to operators of motor vehicles and the issue and renewal and period of validity thereof and the fees to be paid upon any such issue or renewal or upon any examination therefor, such fees not to exceed in any of the foregoing cases, save with the approval of the Governor in Commission, the sum of five dollars;
- (f) the issue by the Department of identification plates for vehicles licensed and for prescribing identification plates for vehicles licensed and for prescribing identification plates or other marks to be affixed to vehicles temporarily in Newfoundland and, with the approval of the Governor in Com-

mission, the fees, if any, therefor; and as to the manner in which identification plates and marks shall be displayed on vehicles and for ensuring their visibility.

- (g) licensing officers and their powers and duties;
- (h) in respect of motor vehicles temporarily in Newfoundland and not used for hire or trade and in respect of drivers thereof visiting Newfoundland; and also for the purposes of giving effect to any convention for facilitating the international circulation of motor vehicles:

- (i) for modifying the provisions of this Act relating to the registration and licensing of motor vehicles and identification plates therefor and the licensing of drivers; and

- (ii) for the total or partial exemption for a limited period, not to exceed ninety days in the first instance nor to be extended beyond the said ninety days for more than sixty days additional, from the duty payable under any Act relating to the revenue on any motor vehicle brought into Newfoundland by persons making only a temporary stay in Newfoundland;

- (i) for facilitating persons resident in Newfoundland when temporarily taking their vehicles abroad, and for facilitating drivers of motor vehicles proceeding abroad, and also for the purpose of giving effect to any convention for facilitating the international circulation of motor vehicles:—

- for the grant and authentication of any travelling passes, certificates, or authorities;

- (j) the fees not to exceed, save with the approval of the Governor in Commission, two dollars in any

case, to be paid upon the issue of any certificate, identification plates, duplicate licence, special permit or other document which may be authorized by regulations;

and different regulations may be made in respect of any of the foregoing matters as respects different classes or descriptions of vehicles or as respects the same class or description in different circumstances.

### PART III.

#### Traffic Signs and Directions

**13.**—(1) In this Part of this Act, “traffic sign” in- Traffic signs;  
cludes all signals, warning sign-posts, direction posts, kinds and  
signs, lines, marks, or other devices for the guidance or purpose thereof.  
direction of persons using highways.

(2) The Commissioner may cause or permit traffic Erection of  
signs to be placed on or near any highway, and may au- signs.  
thorize the retention of signs erected prior to the passing  
of this Act.

(3) Traffic signs erected or authorized under the pre-Purposes of  
ceding subsection may be signs for any of the following signs.  
purposes:

- (a) To regulate the movement of traffic.
- (b) To indicate the route to be followed by traffic.
- (c) To restrict or prohibit the use of any part of any highway by traffic.
- (d) To prohibit the driving of any vehicles on any highway otherwise than in a certain direction.

- (e) To indicate maximum speed limits in any area or on any part of any highway so that vehicles driven in excess of such speed shall be taken to have failed to conform to the indication given by the sign.
- (f) To restrict or prohibit the parking of vehicles in any area or on any part of any highway.
- (g) To restrict or prohibit temporarily the use of any highway or any part of any highway by vehicles whenever, owing to the likelihood of danger to the public or of serious damage to the highway, it appears to the Commissioner to be necessary.
- (h) To warn users of the highway of the need for special caution.
- (i) To give notice of dangerous places.
- (j) To notify users of the highway of any prohibitions or restrictions which have been imposed by this Act or by any regulations made hereunder.
- (k) To convey information to users of the highway.

Kinds and descriptions of signs.

14. Traffic signs shall be of the kinds and of the descriptions prescribed by the Commissioner by regulation except where the Commissioner authorizes the erection or retention of a sign of another character.

Identification of signs; regulations for prohibition of similar objects.

15. The Commissioner may by regulation prescribe for traffic signs or any class thereof a special means of identification which may consist of a characteristic design or colour or mark or other means of identification and may make regulations for preventing the use of any such design or colour or mark or other means of identification which may resemble a traffic sign on any object on or near a highway.



16. Every traffic sign placed on or near any highway, Presumption of which is of a kind and of the description prescribed by lawful erection. the Commissioner by regulation and which has any special means of identification prescribed by regulation, and every traffic sign being a sign for regulating by means of light signals the movement of traffic shall be deemed to have been lawfully placed or authorised by the Commissioner unless the contrary is proved.

17.—(1) Regulations which prescribe the kinds and Signification of descriptions of traffic signs may prescribe that any sign indications may be prescribed. or words or symbols or design or any coloured light or other feature of any sign shall be interpreted as giving a particular indication and may prescribe and explain the action required to comply with such indication.

(2) Regulations with reference to traffic signs may provide for the exemption of any particular class of vehicles Exemption of certain vehicles. from the obligation of complying with the indication given by any particular kind of traffic signs and the conditions of such exemption.

(3) The area or highway or portion of a highway to Area to which which a traffic sign applies may be defined by regulations but need not be so defined when the indication given by the sign is sufficiently clear from the sign itself as being in a form commonly understood by drivers or others to whom it is directed, or when the indication of the portion of the highway to which a traffic sign or signs are to apply is given by the erection of signs at each end of the portion of the highway: Provided that in the case of any sign prohibiting the passage of vehicles on any highway, signs shall be erected at each end of the highway or portion of the highway to which the prohibition is to apply, and at such principal points at which any other highways enter the highway or portion thereof as may be prescribed. applicable.

(4) A traffic sign may refer to specific classes of Signs general traffic but shall be held to refer to vehicular traffic gen- unless other-wise specified.

erally in the absence of any special indication in the sign or provisions in a regulation with reference to such sign.

**Signs of special application.**

(5) A traffic sign may refer to particular periods of the day or of the year or to any limited period but, in the absence of any special indication in the sign or provisions in a regulation with reference to such sign, shall be held to apply at all times until lawfully removed or until cancelled by regulation.

**Prohibition of unauthorised signs.**

18. After the commencement of this Act no traffic signs shall be placed on or near any highway except under and in accordance with the provisions of this Part of this Act.

**Interference with traffic signs.**

19. No person shall injure, deface, remove or in any manner interfere with any traffic sign, or any notice or obstruction lawfully placed on any highway by or under the direction of any authority over such highway.

**Removal of objects resembling signs.**

20.—(1) The Commissioner may by notice in writing require the owner or occupier of any land, on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign, to remove it and if any person fails to comply with such a notice the Commissioner may effect the removal, doing as little damage as may be, and may recover summarily as a civil debt from the person so in default the expense incurred by him in so doing.

**Commissioner's powers of removal.**

(2) The Commissioner may enter on land and exercise such other powers as may be necessary for the purposes of the exercise and performance of his powers under this section.

**Regulations may provide for the offence of failure to obey certain signs.**

21. Any regulation, which prescribes the kind and the description of traffic signs intended for any of the purposes set out in paragraphs (a) to (g) inclusive of subsection (3) of Section 13 of this Act, may provide that

failure to conform with the indication given by the sign shall constitute an offence, and in such case the order or prohibition indicated by any such sign shall have effect as if contained in a regulation under this Act, and if any person driving or propelling any vehicle shall fail to conform with the indication given by any sign of that kind and description which has been lawfully placed on or near any highway or the retention of which has been authorized by the Commissioner, he shall be guilty of an offence and liable to the penalties provided by this Act for breach of regulations hereunder.

22. Where a constable is for the time being engaged in the regulation of traffic on a highway any person driving or propelling any vehicle, who neglects or refuses to stop the vehicle or to make it proceed in or keep to a particular line of traffic when directed so to do by the constable in the execution of his duty, shall be guilty of an offence.

Neglect of  
traffic  
directions of  
constable.

## PART IV.

### Regulations.

23. The Commissioner may make regulations as to the use of vehicles on highways, their construction and equipment, and the conditions under which they be so used and otherwise for the purpose of carrying into effect the provisions of this Act and, in particular but without limiting the generality of the foregoing, may make regulations with respect to any of the following matters:

Regulations as  
to use,  
construction  
and equipment  
of vehicles.

- (a) the width, height and length of motor vehicles and trailers, and the loads carried thereby;
- (b) the maximum weights laden and unladen of motor vehicles and trailers and the conditions under which the weights may be required to be tested;

- (c) the particulars to be marked on motor vehicles and trailers;
- (d) the towing or drawing of vehicles by motor vehicles;
- (e) the equipment and appliances to be installed in or form part of vehicles for their safe use and control and for the protection of passengers and the avoidance of noise and other nuisance and for securing that the same shall be efficient and kept in good working order and, in particular but without limiting the generality of the foregoing, for—
  - (i) the number and nature of brakes on vehicles;
  - (ii) the appliances to be fitted for signalling the approach of a vehicle and for enabling the driver of a vehicle to become aware of the approach of another vehicle from the rear and for indicating any intended change of speed or direction of a motor vehicle and for securing that the driver of a motor vehicle shall have clear vision of the road and for the use of such appliances;
  - (iii) the number, position and kind of lights and reflectors to be carried on vehicles and the times during which they are to be exhibited; and for securing that brakes, silencers, steering gear, lights, appliances mentioned in subparagraph (ii) above and other equipment required by regulations made hereunder shall be efficient and kept in good working order;
- (f) to prohibit or regulate the use of any equipment and any appliances on vehicles which may cause annoyance or danger to the public or damage to highways;



- (g) to regulate and restrict the use of horns and other appliances for giving warning of approach;
- (h) empowering persons authorized by or under the regulations to test and inspect either on a road or, subject to the consent of the owner of the premises, on any premises where the vehicle is, any brakes, silencers, steering gear, lights, or motor horns;
- (i) the examining and testing of motor vehicles and trailers by inspectors in any case where an examination or test of the vehicle has not previously been made within the same calendar year under the authority of regulations made under Section 12 of this Act or in any case where there is reason to believe that the construction or the condition of the vehicle has altered subsequent to any such examination or test previously made, for the purpose of ensuring that the vehicle is of such construction and in such condition as may be necessary to comply with any regulations for the time being in force in respect to the class of vehicles to which it belongs;

and in respect of any of the foregoing matters different regulations may be made as respects different classes or descriptions of vehicles and as respects the same class or description in different circumstances.

24. Without prejudice to the generality of the provisions of this Act hereinbefore and hereinafter contained with reference to the making of regulations, the Commissioner may make regulations with particular reference to vehicles used for carrying passengers for hire or reward, for any of the purposes or with respect to any of the matters hereinafter mentioned, namely:

- (a) the conduct of passengers therein; and

Regulations  
for public  
service vehicles.

- (b) the conduct of persons acting as drivers or conductors thereof; and
- (c) the documents, plates and marks to be carried and the manner in which they are to be carried and displayed; and
- (d) the taking up and setting down of passengers; and
- (e) the carriage of luggage and goods thereon; and
- (f) the equipment to be carried thereon; and
- (g) determining the highways which may or may not be used thereby; and
- (h) restricting the use of public service vehicles to specified routes; and
- (i) regulating the number of public service vehicles using specified routes; and
- (j) providing the maximum fares which may be charged for transportation of passengers on specified routes; and
- (k) determining the number of passengers a public service vehicle is adapted to carry and the number who may be carried; and
- (l) determining the places to be used as stands for public service vehicles where such vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers and as to the manner of using such stands;

and different regulations may be made as respects different classes or descriptions of vehicles and as respects the same class and description thereof in different circumstances.

**25.** The Commissioner may make regulations for con- Regulations for  
trolling or regulating vehicular and other traffic on high- traffic control.  
ways and, in particular, but without limiting the gen-  
erality of the foregoing, for any of the purposes or  
with respect to any of the matters hereinafter mentioned,  
namely:

- (a) declaring the rules of the road to be observed by drivers of vehicles;
- (b) limiting the speeds at which motor vehicles may be driven upon any highway;
- (c) regulating or prohibiting the use of specified highways or parts thereof either absolutely or subject to conditions, including conditions as to place and direction of entry and departure, and either generally or at or between any specified times;
- (d) prescribing the routes or directions to be followed by vehicles from any specified point to another;
- (e) regulating the relative position in the roadway of traffic of differing speeds or types;
- (f) prescribing highways or parts of highways which may be specially designated and attaching special responsibility to drivers of vehicles entering such highways or parts of highways;
- (g) prescribing the places where vehicles may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may so turn only under conditions prescribed by the regulations;
- (h) prescribing the conditions subject to which, and the times at which, loads of exceptionally heavy

weight or exceptionally large dimensions may be carried on highways;

- (i) prescribing the number and maximum size and weight of trailers which may be drawn on highways by vehicles;
- (j) prescribing the conditions subject to which, and the times at which, articles may be loaded on to or unloaded from vehicles on specified highways;
- (k) regulating the stopping of vehicles in specified highways for the purpose of picking up or discharging passengers;
- (l) regulating the manner in which, and the places at which, vehicles may draw up and stand on specified highways;
- (m) prescribing the conditions subject to which vehicles may be left unattended on highways;
- (n) prescribing rules as to precedence to be observed as between vehicles proceeding in the same direction, or in opposite directions, or when crossing;
- (o) prescribing the signals to be used by the drivers of vehicles and by constables engaged in regulating traffic;
- (p) prescribing the conditions subject to which, and the times at which, horses, cattle, sheep and other animals may be led or driven on highways;
- (q) requiring or restricting the erection, exhibition and removal of traffic signs and of other signs on or near highways and for regulating traffic in relation to traffic signs;



- (r) the preservation of trees, shrubs and flowers on or near highways;
- (s) making provision for the removal from highways and placing in safe custody vehicles which have broken down or which have been permitted to remain at rest on a highway in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the highway or appear to have been abandoned and of the loads carried thereby;
- (t) prescribing places in highways and other public places where vehicles may or may not wait, either generally or at particular times, and the manner of placing such vehicles;
- (u) the erection or placing and the removal of any works or objects likely to hinder the free circulation of traffic in any highway or likely to occasion danger to passengers or vehicles;
- (v) queues of persons waiting in streets;
- (w) for enabling the Department or a municipal body, in the event of any person failing to do anything which under the regulations he ought to have done, to do such act, and to recover the expenses thereof from the person so in default as a civil debt;

and in respect of any of the foregoing matters different regulations may be made as respects different classes or descriptions of vehicles or traffic and as respects the same class or description of vehicles or traffic in different circumstances and regulations may be made so as to apply generally or to any particular part of Newfoundland or to particular places or highways or parts of highways or classes of highways and generally or during particular periods or at or between specified times or on specified

occasions or at specified times only or in particular circumstances or conditions only and may prescribe exceptions or limitations in favour of or against vehicles or traffic of any particular class or kind or vehicles operated for any specific purpose.

Effect of  
contravention  
of regulations.

**26.** If any person acts in contravention of the provisions of any regulation made under the preceding section he shall be guilty of an offence: Provided however that any regulation may state that it is for the purposes of direction and in such case a breach shall not constitute an offence, and provided further that any regulation made by the Commissioner hereunder may provide that failure by any person to comply therewith or that failure to comply with the indication given by any sign or to exercise special caution when a sign for warning users of the highway of the need for special caution is displayed shall not of itself render that person liable to criminal proceedings of any kind but that any such failure may in any proceedings (whether civil or criminal) be relied upon by any party to the proceedings as tending to establish or negative any liability which is in question in such proceedings.

Regulations in  
First Schedule  
to have effect

**27.** Until repealed in whole or in part, or amended, as the same may be from time to time, by regulations made under the provisions of this Act the regulations set forth in the First Schedule to this Act shall have effect and shall apply and may be referred to as regulations under this Act.

Repeal of  
previous  
regulations.

**28.** The following regulations heretofore made are hereby repealed:

- (a) All regulations made under the Highway Traffic Acts, 1925-1932.
- (b) All regulations made under the Highway Traffic Act, 1935.

- (c) All regulations heretofore made with reference to the control of traffic under any other Act by any authority save regulations made under any of the unrepealed provisions of the St. John's Municipal Act, 1921, and Acts in amendment thereof, and save regulations made under Chapter 51 of the Consolidated Statutes of Newfoundland (Third Series) 1916, entitled "Of Nuisances and Municipal Regulations".

**29.** The Chief of Police may make and publish in the Newfoundland Gazette and otherwise as he may see fit orders as to the line to be kept by persons driving or riding any vehicle or animal on any highway and as to the manner in which vehicles of any description shall be drawn up while waiting on any highway and as to the route to be observed by any vehicles, horses and persons and for preventing obstructions on any highway in any case where such highway is liable to be thronged or obstructed; and also may give directions to constables for the purpose of regulating traffic in the neighbourhood of public offices, churches, theatres and other places of public resort and every wilful breach of any such order made or directions given shall be deemed a separate offence against this Act. Police orders.

**30.—(1)** It shall not be lawful to use on any highway a motor vehicle or trailer which does not comply with the regulations applicable to the class or description of vehicles to which the vehicle belongs as to the construction, weight and equipment thereof. Prohibition of motor vehicles not complying with regulations as to construction, etc.

**(2)** If a motor vehicle or trailer is used on a highway in contravention of this section any person who so uses the vehicle or causes or permits the vehicle to be so used shall be guilty of an offence. Offence.

**31.—(1)** It shall not be lawful for any person to drive a motor vehicle of any class or description on a highway at a speed greater than the maximum speed specified in Speed limits.

regulations in relation to a vehicle of that class or description or in relation to the highway or to the circumstances under which the vehicle is driven, or at a speed greater than the speed limit specified upon any traffic sign applicable to the highway whereon the vehicle is driven and to such vehicle, and if any person acts in contravention of this section he shall be guilty of an offence.

**Exemptions.**

(2) Save where it is specially provided to the contrary by regulations made under this Act, the imposition of any speed limit and the indications given by any traffic signs and the provisions of any regulations under this Act shall not apply to any vehicle on an occasion when it is being used for fire brigade, ambulance, or police purposes, if the observance of the speed limit, the conforming with such indication or the compliance with such regulations would be likely to defeat the purpose for which the vehicle is being used on that occasion.

**Local bye-laws,  
effect of.**

**32.** Any bye-laws passed by any authority for regulating traffic on highways which are inconsistent with the provisions of this Act or with regulations made hereunder shall be deemed to be of no effect.

**PART V.**

**Driving and Other Offences and General Conditions  
Relating to the Use of Highways.**

**Age limit  
for drivers  
of motor  
bicycles.**

**33.—(1)** No person under the age of sixteen years shall drive a motor bicycle on a highway.

**Age limit for  
drivers of  
motor  
vehicles.**

(2) No person under the age of seventeen years shall drive a motor vehicle other than a motor bicycle on a highway.

**Drivers  
incompetent  
from physical  
disability.**

(3) No person shall drive a motor vehicle on a highway who is suffering from any disease or physical disability which would be likely to cause the driving by him of a motor vehicle to be a source of danger to the public.



(4) No person shall knowingly employ or cause or permit any person to drive a motor vehicle in contravention of this section. Employment of persons prohibited from driving.

**34.**—(1) If any person shall wilfully or negligently obstruct any highway, or place or cause to be placed upon any highway any wood, stone or other matter or thing, or damage any highway or bridge or protective railing in such manner as in any of the foregoing cases shall endanger the safety of traffic on the highway, he shall be guilty of an offence: Provided that no person shall be convicted of any offence under this section if he shall prove that such matter or thing was so placed or that such damage was so caused lawfully or accidentally and that he did not permit any such matter or thing to remain upon the highway, or any such damage to the highway to remain unrepaired, any longer than was necessary, and that he took all such precautions for the protection of traffic as were reasonable and necessary in the circumstances. Obstruction or damage to highway endangering traffic.

(2) If any person shall throw or deposit or negligently leave on a highway any glass, nails, tacks, scraps of metal or other material which may be injurious to the tyres of motor vehicles he shall be guilty of an offence. Deposit of injurious material on highway.

**35.**—(1) If an accident occurs owing to the presence of a motor vehicle on a highway whereby damage or injury is caused to any person, or any other vehicle, or any domestic animal, or any building, erection, wall, fence, hydrant, post, traffic sign or other public or private property on or adjacent to a highway it shall be the duty of the driver: Duty to stop in case of accident.

- (a) to remain at or to stop immediately and return to the scene of the accident and render all necessary assistance; and
- (b) to give his name and address and also the name and address of the owner and the number of the

licence of the vehicle concerned, as specified on the identification plates thereof, to any person having reasonable grounds for so requiring and to give the said information in writing if so required.

Reporting  
property  
damage.

(2) In addition to the foregoing, in the case of any such accident as aforesaid it shall further be the duty of the driver, and of the owner of the vehicle concerned so soon as he shall have knowledge of the accident, to ascertain so soon as reasonably practicable the owner or owners of any such other vehicle, animal or property damaged and to notify such owner or some responsible person on his behalf of the accident and the name and address of the driver and of the owner of the vehicle concerned.

Report to  
police.

(3) The onus of proof of compliance with the provisions of subsection (2) of this section shall be upon the driver and the owner respectively and in the event that the driver and the owner for any reason shall fail or be unable to comply with the provisions of the said subsection then it shall be the duty of the driver and of the owner as soon as he shall have knowledge of the accident to report the accident at a police station or to a constable.

Report to be  
made within  
24 hours.

(4) The driver and the owner shall not be deemed to have complied with the provisions of this section unless the notification required under subsection (2), or, in the alternative, a report to a police station or constable as required under subsection (3) of this section shall have been made, in the case of the driver, within twenty-four hours of the occurrence of the accident or, in the case of the owner, within twenty-four hours of his first knowledge thereof.

Report when  
damage  
exceeds  
\$50.00.

(5) In addition to the foregoing, if in the case of any such accident as aforesaid injury has been caused to any person other than the driver or other person in the same motor vehicle or to any property to an extent that the cost of the damage apparently exceeds fifty dollars then

it shall be the duty of the driver to report the accident at a police station or to a constable within twenty-four hours of the happening thereof and if such report shall not be made it shall be the duty of the owner so to report the accident within twenty-four hours of his first knowledge thereof.

(6) If any person shall fail to carry out the obligations <sup>Penalty.</sup> imposed on him under this section in respect of any accident he shall be guilty of an offence and shall be liable in the case of a first conviction to a fine not exceeding one hundred dollars and in default of payment to imprisonment for a term not exceeding three months and in the case of a second or subsequent conviction under this section either to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a term not exceeding six months.

**36.**—(1) Any person who, when driving or attempting <sup>Driving when</sup> to drive or when in charge of a motor vehicle on a high- <sup>under the</sup> way, is under the influence of drink or a drug to such an <sup>influence of</sup> extent as to be incapable of having control of the vehicle <sup>drink or drug.</sup> shall be liable—

- (a) on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding four months and in the case of a second or subsequent conviction within two years to imprisonment for a term not less than seven days and not exceeding six months;
- (b) on conviction on indictment to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars or to both such imprisonment and such fine.

(2) A person shall be deemed to be in charge of a <sup>Person in</sup> motor vehicle which is in motion on a highway if he has <sup>charge of</sup> moving vehicle.

physical control of the steering apparatus or attempts such control.

Person in  
charge of  
stationary  
vehicle.

(3) A person shall be deemed to be in charge of a motor vehicle which is stationary on a highway—

- (a) if he occupies or attempts to occupy the place in the vehicle provided for the driver unless it is shown to the satisfaction of the court that he has not driven the vehicle and that he is not so seated for the purpose of driving the vehicle; or
- (b) if he is the owner thereof or has driven the vehicle at any time in the course of its journey to the place where it is on the highway and he is present in the vehicle or upon the highway in the immediate vicinity of the vehicle unless it is shown to the satisfaction of the court that some other person is in fact in charge of the vehicle at the time; or
- (c) if the vehicle is in his custody or care and he has expressed the intention or in any way undertaken to drive the vehicle from the place where it is on the highway unless it is shown to the satisfaction of the court that he has thereafter relinquished the control of the vehicle to some other person who is in fact in charge thereof.

Arrest.

(4) A constable may on view or upon reasonable grounds of suspicion arrest without warrant any person committing an offence under this section.

Reckless  
driving.

37.—(1) Any person who drives a vehicle on a highway recklessly or at a speed or in a manner which is dangerous to the public having regard to all the circumstances of the case including the nature, condition and use of the highway and the amount of traffic which is



actually at the time or which might reasonably be expected to be on the highway shall be liable—

- (a) on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding four months and in the case of a second or subsequent conviction either to a fine not exceeding five hundred dollars or to such imprisonment as aforesaid or to both such fine and such imprisonment.
- (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both such imprisonment and fine.

(2) Any constable may arrest without warrant the driver of any vehicle who commits an offence under this section within his view if he refuses to give his name and address or if the constable believes that the name or address so given may be false or if the motor vehicle does not bear an identification plate.

**38.** If any person drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway he shall be guilty of an offence and shall be liable to a fine not exceeding one hundred dollars and in default of payment to imprisonment for a term not exceeding one month. Careless driving.

**39.—**(1) Any person who takes or causes to be taken from any place any motor vehicle with intent to operate or drive or use or cause or permit the same to be operated or driven or used without the consent of the owner shall be liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding twelve months or to both such fine and such imprisonment. Taking vehicle without consent of owner.

Arrest.

(2) A constable may on view or upon reasonable grounds of suspicion arrest without warrant any person committing an offence under this section.

Motor racing.

40. No person shall drive a motor vehicle upon a highway in a race except with the express permission of the Commissioner.

Leaving  
vehicles in  
dangerous  
positions.

41. If any person in charge of a vehicle causes or permits the vehicle or any trailer attached thereto to remain at rest on any highway in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the highway he shall be guilty of an offence.

Ascertainment  
of weight of  
load.

42. Any constable or any officer appointed for carrying out the provisions of this Act, who suspects any vehicle found loaded to have a gross weight in excess of the maximum gross weight allowed by regulations under this Act or by the licence issued in respect of such vehicle, may require the driver of such vehicle to proceed in his company to the nearest adequate weighing machine and there ascertain the maximum gross weight; and any refusal so to proceed shall be an offence against this Act: Provided however that the driver shall not be required to travel more than five miles out of the way of his journey in order to reach such weighing machine.

Restrictions on  
carrying  
persons on  
bicycles.

43.—(1) It shall not be lawful for any person other than the operator thereof to be upon a highway on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person.

Restrictions on  
cyclists riding  
abreast.

(2) It shall not be lawful for more than two persons to ride abreast on a highway either upon motor cycles or on bicycles: Provided that a person shall not be convicted under this section in respect of the overtaking of two per-

sons so riding and in the absence of other traffic on the highway at the point of overtaking.

(3) It shall not be lawful for any person while riding a motor cycle or a bicycle on a highway—

Other  
restrictions  
on cyclists.

(a) to hold on to any other moving vehicle; or

(b) to ride such motor cycle or bicycle without at least one hand being on the handle bars of such motor cycle or bicycle.

(4) It shall not be lawful for more than one person in addition to the driver to be carried on any two-wheeled motor cycle nor shall it be lawful for any such one person to be so carried otherwise than on a proper seat securely fixed to the motor cycle behind the driver's seat.

Restrictions on  
persons being  
carried on  
motor cycles.

(5) If any person is carried on a motor cycle or bicycle in contravention of the provisions of this section the driver or operator and any person so carried shall each be guilty of an offence.

Persons liable.

(6) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding twenty-five dollars.

Penalty.

## PART VI.

### Legal Proceedings.

44. Upon the trial of any person who is indicted for manslaughter in connection with the driving of a motor vehicle by him it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under Section 37 of this Act, to find him guilty of that offence.

Conviction for  
reckless  
driving upon  
manslaughter  
charge

Disqualifi-  
cation for  
driver's licence  
on conviction  
under Sec. 36.

**45.—(1)** A person convicted of an offence under Section 36 of this Act shall, without prejudice to the power which the court shall have to order a longer period of disqualification, be disqualified for a period of six months from the date of the conviction, from holding or obtaining a driver's licence; and on a second or subsequent conviction under the said section he shall be so disqualified without limit of time.

Disqualifi-  
cation upon  
conviction  
under Sec. 37.

**(2)** A person convicted of an offence under Section 37 of this Act in respect of a motor vehicle may be disqualified by the convicting court from holding or obtaining a driver's licence for such period as the court thinks fit subject to the following provisions:

- (a) Upon the first conviction the period of disqualification shall not exceed six months.
- (b) Upon the second conviction the period of disqualification shall not exceed two years.
- (c) Upon a third or subsequent conviction the disqualification may be without limit of time.

Disqualifi-  
cation upon  
conviction  
under Sec. 31  
and Sec. 38.

**(3)** A person convicted of a second or subsequent offence under Section 31 of this Act or under Section 38 of this Act in respect of a motor vehicle may be disqualified by the convicting court from holding or obtaining a driver's licence for such period as the court thinks fit subject to the following provisions:

- (a) Upon the second conviction the period of disqualification shall not exceed two months.
- (b) Upon a third or subsequent conviction the period of disqualification shall not exceed six months.

Disqualifi-  
cation upon  
conviction  
under Sec.  
33 (3).

**(4)** A person convicted of an offence under subsection (3) of Section 33 of this Act may be disqualified by the convicting court from holding or obtaining a driver's



licence for such period as the court thinks fit or without limit of time.

(5) The provisions of this section as to offences subsequent to a first offence shall be so interpreted that after the expiration of twelve consecutive months subsequent to the period of disqualification, without an offence, an offence shall be deemed to be a first offence. Interpretation.

46.—(1) Where a person who is disqualified by virtue of a conviction or order under this Act is the holder of a licence the licence shall be suspended so long as the disqualification continues in force. Licence suspended on disqualification.

(2) A licence suspended by virtue of this Act shall during the time of suspension be of no effect. Effect of suspension.

(3) A person who, by virtue of a conviction or order under this Act, is disqualified from holding or obtaining a licence may, at any time after the expiration of six months from the date of the conviction or order and from time to time, apply to a court of summary jurisdiction consisting of a stipendiary magistrate or two justices to remove the disqualification and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the conviction or order, the nature of the offence and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order, or refuse the application: Provided that where an application under this subsection is refused a further application thereunder shall not be entertained if made within three months after the date of the refusal: And provided further that no application shall be heard nor any order made under this section by a court other than the court before which the applicant was convicted or by which the order of disqualification was made save with the consent of the Commissioner for Justice. Application for removal of disqualification.

**Endorsement of licences.**      **47.—**(1) Any court by whom a person is convicted of an offence under this Act in connection with the driving of a motor vehicle shall cause particulars of the conviction to be entered upon the driver's licence and, if the penalty imposed includes a suspension of the licence, shall take and hold the said licence for the period of suspension and, if the licence is void, shall destroy the licence.

**Production of licence.**      (2) A person convicted of an offence under this Act shall, if required, produce his driver's licence to the court for the purposes of the preceding sub-section.

**Endorsement to be evidence.**      (3) Any such endorsement signed by the convicting magistrate or Clerk of the Court or by a licensing officer shall be prima facie evidence of such conviction.

**Fraudulent application for driver's licence.**      **48.—**(1) If any person who is disqualified under the provisions of this Act from holding or obtaining a driver's licence, applies for or obtains a licence while he is so disqualified he shall be guilty of an offence and any licence so obtained shall be void.

**Duty to disclose previous refusal of licence.**      (2) If any person who has been refused a driver's licence applies for or obtains a licence without disclosing such refusal he shall be guilty of an offence and any licence so obtained shall be void.

**Giving false information**      **49.—**(1) If any person, in or in connection with an application for a motor vehicle licence or the registration of a motor vehicle or a driver's licence or the endorsement of such a licence or the attaching of conditions thereto or any change or correction in a licence or in the registration of a motor vehicle or in giving any information lawfully demanded or required under this Act or any regulation made hereunder, makes any statement which to his knowledge is false or in any material respect misleading he shall be guilty of an offence and liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(2) Any licence and any entry thereon or in the records of a licensing officer made pursuant to any statement in respect of which any person has been convicted under this section may be cancelled or may be altered according as the circumstances of the case shall in the opinion of the licensing officer require, and for such purpose any person convicted hereunder shall produce to any licensing officer requiring the same the motor vehicle licence and driver's licence held by him.

Cancellation or alteration of licence.

50. If any person fraudulently imitates, alters, mutilates, destroys or uses or fraudulently lends or allows to be used by any other person any identification plate, motor vehicle licence or driver's licence issued under this Act he shall be guilty of an offence and liable to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

Fraudulent imitation, etc., of documents and plates.

51.—(1) If the driver of any vehicle who commits an offence under this Act or any regulations made hereunder refuses to give his name and address or gives a false name or address to any person having reasonable grounds for requiring the same he shall be guilty of an offence under this Act.

Refusing to give name or address, or giving false name or address.

(2) Where the driver of a vehicle is alleged to be guilty of an offence under this Act or of an offence involving dishonesty towards a passenger or with respect to any goods or freight on a vehicle—

Duty to give information to identify driver.

- (a) the owner of the vehicle shall give such information as he may be required by any constable to give as to the identity of the driver and if he fails to do so he shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver was; and

- (b) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver and if he fails to do so he shall be guilty of an offence.

Liability of owner for damages.

**52.**—(1) Without effect upon the liability of the driver thereof and subject to the exceptions hereinafter contained the owner of a motor vehicle shall be liable for loss or damage sustained by any person by reason of negligence in the operation of such motor vehicle on a highway unless such motor vehicle was without the owner's consent in the possession of some person other than the owner, and every person driving such motor vehicle who is living with and as a member of the family of the owner thereof shall be deemed to be in possession thereof with the owner's consent unless the contrary is proved.

Exclusion of special provision for liability in case of gratuitous passengers.

(2) In the case of a claim for the recovery of loss or damage by reason of negligence in the operation of a motor vehicle on a highway resulting from bodily injury to or the death of any person being carried in or upon or entering or getting on to or alighting from such motor vehicle when such vehicle is not being operated in the business of carrying passengers for compensation, the liability of the owner shall be determined without reference to the provisions of subsection (1) of this section.

Liability of owner for penalties.

**53.** The owner of a motor vehicle shall incur the penalties provided for any violation of this Act or of any regulations made hereunder, unless at the time of such violation the motor vehicle was in the possession of some person other than the owner without the owner's consent, and the driver of a motor vehicle, not being the owner, shall incur the penalties provided for such violation.

Avoidance of contracts so far as restrictive of liability in

**54.** Any contract for the conveyance of a passenger in a public service vehicle shall be void, so far as it purports to negative or to restrict the liability of any person



in respect of any claim which may be made against that person in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability.

respect of death or injury to passengers in public service vehicles.

55. A constable or officer appointed for carrying out the provisions of this Act may detain any motor vehicle with which an offence against Section 2, Section 36 or Section 37 of this Act is believed to have been committed until the final disposition of any prosecution under this Act, but such motor vehicle may be released by a stipendiary magistrate on security for its production being given to his satisfaction.

Detaining of vehicle.

56.—(1) Any person guilty of an offence under this Act or any regulations made hereunder for which no special penalty is provided shall be liable in the case of a first conviction to a fine not exceeding one hundred dollars and in the case of a second or subsequent conviction for a similar offence to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a term not exceeding three months.

General penalty.

(2) For the purposes of subsection (1) of this section a conviction shall not be deemed to be a second or subsequent conviction unless it is in respect of offences committed in the same calendar year.

Consecutive offences.

57. A summons issued for an offence against any of the provisions of this Act or any regulations made hereunder shall be served within one month of the alleged offence: Provided, however, that the time for serving such summons may be extended by a stipendiary magistrate upon application in open court on sufficient evidence being adduced to show that the person summoned could not be served within the time specified.

Limitation of time for summonses.

Trial of  
offences.

**58.** Offences against this Act or against regulations made hereunder shall be triable summarily where not otherwise provided.

Fines,  
disposition of.

**59.** Every fine when collected shall be paid through the Department of Justice into the Consolidated Revenue Fund.

Regulations,  
publication  
and coming  
into effect  
thereof.

**60.** The Commissioner shall publish in the Newfoundland Gazette either the regulations made by him under this Act or a notice that regulations have been made or have been made and approved and such regulations shall come into effect as from the date of such publication or from such later date, if any, as may be fixed by the regulations. Any person desiring copies of these said regulations shall be entitled to obtain the same from the Department upon application and upon payment of the cost price of the same.

Repeal.

**61.** The Acts mentioned in the Second Schedule hereto are hereby repealed.

Short Title.

**62.** This Act may be cited as The Highway Traffic Act, 1941.

**FIRST SCHEDULE****REGULATIONS.****REGISTRATION AND LICENSING**

1. Applications for drivers' licences shall be made to the Department or to any licensing officer on the form prescribed for the class of licence.

2. Drivers' licences shall be issued for the operation of the following classes of motor vehicles:

- (a) Motor vehicles of all kinds other than traction engines and other than motor vehicles having less than four wheels.
- (b) Motor cycles including motor tricycles and other motor vehicles having less than four wheels.
- (c) Traction engines.

3.—(1) The fee for a driver's licence for motor vehicles of the class set out in paragraph (a) of the preceding regulation shall be three dollars or one dollar if the applicant is already the holder of a current licence for vehicles of the class set out in paragraph (b) of the preceding regulation.

(2) The fee for a driver's licence for motor cycles and other vehicles of the class set out in paragraph (b) of the preceding regulation shall be three dollars or one dollar if the applicant is already the holder of a current licence for vehicles of the class set out in paragraph (a) of the preceding regulation.

(3) The fee for a driver's licence for traction engines shall be one dollar.

4. The fee for conducting an examination for a driver's licence of any class shall be two dollars.

5.—(1) Drivers' licences shall be issued by licensing officers and each licence shall be countersigned by the the Commisioner or by an officer of the Department.

(2) There shall be entered on each licence a notation of the class of vehicle for which the licence is issued.

(3) A licensing officer may require before the issue of a licence that it shall be signed or otherwise marked in his presence by the person to whom it is to be issued or shall contain particulars to identify the holder thereof.

6. Applications for the registration of motor vehicles and for the licensing thereof shall be made by the owner to the Department or to any licensing officer on the form prescribed for that class of vehicle.

7. There shall be kept in the Department a register of motor vehicles and there shall be entered therein particulars of every vehicle which is to be licensed.

8. Licences shall be issued after registration thereof in respect of the following classes of motor vehicles:

(a) Commercial motor vehicles.

(b) Public service vehicles, which for the purposes of this regulation shall not include motor vehicles principally and ordinarily used for purposes other than the carrying of passengers.

(c) Trailers.



- (d) Cycles, which shall mean motor cycles, tricycles, invalid carriages and other such motor vehicles having less than four wheels but not including vehicles moved by human power or used exclusively upon fixed rails.
- (e) Private motor cars, that is to say, all motor vehicles other than the foregoing.

9. Licences for motor vehicles may be issued by the Department or by any licensing officer to the owner of a vehicle which has been registered and every such licence shall be numbered and shall state that such vehicle is registered in accordance with the Act and there shall be issued therewith two identification plates bearing the number of the licence to be valid for the period that such licence is valid, or, in the case of a trailer, one such identification plate.

10.—(1) There shall be entered in the register of motor vehicles in respect of every commercial motor vehicle and public service vehicle which is registered the maximum gross weight in respect of which a licence for the vehicle is to be issued.

(2) Licences for commercial motor vehicles and public service vehicles shall have entered thereon the maximum gross weight at which the vehicle may be operated under the licence which maximum gross weight shall be as determined by the licensing officer who issues the licence.

11.—(1) The fees for the licensing of motor vehicles of the classes set out in Regulation 8 of these Regulations, when issued on any day from April 1st to July 31st inclusive in any year, shall be as set out in the first column

below, and, when issued on any day from August 1st to November 30th inclusive in any one year, shall be as set out in the second column below, and, when issued on any day from December 1st to March 31st inclusive shall be as set out in the third column below, that is to say, as follows:

(a) Commercial motor vehicles and public service vehicles for—

	Apr. 1- July 31	Aug. 1- Nov. 30	Dec. 1- Mar. 31
M.G.W. up to 3000 lbs.	\$ 12.00	\$ 8.00	\$ 4.00
“ 3001-4000 “	15.00	10.00	5.00
“ 4001-5000 “	20.00	14.00	7.00
“ 5001-6000 “	25.00	17.00	9.00
“ 6001-7000 “	30.00	20.00	10.00
“ 7001-8000 “	35.00	24.00	12.00
“ 8001-9000 “	50.00	35.00	17.00
“ 9001-10000 “	65.00	45.00	20.00
“ 10001-11000 “	80.00	55.00	25.00
“ 11001-12000 “	95.00	65.00	30.00
“ 12001-13000 “	110.00	75.00	35.00
“ 13001-14000 “	125.00	85.00	40.00
“ 14001-15000 “	140.00	95.00	45.00
“ 15001-16000 “	155.00	105.00	50.00

(b) Trailers—one-half the fees in the above table.

	April 1- July 31	Aug. 1- Nov. 30	Dec. 1- Mar. 31
(c) Cycles	6.00	4.00	2.00
(d) Private motor cars	12.00	8.00	4.00

(2) In this regulation “M.G.W.” shall mean maximum gross weight.

(3) Licences shall not be issued for motor vehicles of a maximum gross weight in excess of 16,000 lbs.: Provided that the Commissioner may issue in any special case a temporary licence which shall be valid to authorize a vehicle over the maximum gross weight of 16,000 lbs. to be moved on a highway, but subject to any conditions which he may see fit to impose in the interests of safety and for the protection and repair of the highway.

**12.**—(1) Upon payment of the fees set out in the preceding regulation one set of identification plates shall be issued free of cost.

(2) The fee for a duplicate set of identification plates to replace a set lost, stolen or destroyed shall be two dollars.

**13.** The fee for the transfer of any licence for a motor vehicle shall be one dollar. (Drivers' licences may not be transferred).

**14.**—(1) If a motor vehicle or a trailer is—

(a) used exclusively for police or fire or ambulance service; or

(b) owned and operated by a municipality; or

(c) owned and operated by any Department of the Government;

the fee for the issue of a licence for such motor vehicle or trailer shall be two dollars (which fee shall include one set of identification plates).

(2) In respect of a motor vehicle, being a traction engine used exclusively for agricultural purposes, which is required to be driven upon a highway in order that it may be moved to or from any place where it is so used,

there may be issued a licence on payment of a fee of three dollars (which fee shall include one set of identification plates) in any case where special conditions are attached to the licence under the provisions of subsection (5) of Section 3 of the Act restricting the use of the vehicle to certain highways or classes of highways or parts thereof.

**15.** The fee for a permit for the moving of a vehicle and the affixing of a temporary mark under Section 2 of the Act shall be fifty cents.

**16.** Drivers' licences and licences for vehicles shall remain in force only until the 31st day of March next following the date of issue.

**17.** A licence for a commercial vehicle or a public service vehicle shall be valid only during such time as the maximum gross weight as defined in the Act does not exceed that in respect of which the licence has been issued and fee paid.

**18.—(1)** No vehicle which is not actually in Newfoundland may be registered.

(2) No vehicle shall be licensed whereon the manufacturer's serial number or other identifying mark has been obliterated or defaced, until the owner has filed with the Department satisfactory proof of the ownership of the vehicle, and, if known, the reason for such obliteration or defacement. If satisfied as to the statements made, the Commissioner may grant permission to cut, impress, emboss or attach permanently to such vehicle a special identification number or mark which thereafter shall be deemed sufficient for the purpose of registration of such vehicle.

**19.** Applications for licences shall be verified by statutory declaration and the Commissioner may require fur-



ther verification of the truth of any statements contained therein or otherwise with reference to any matter which might affect the issue of a licence.

20. Declarations in support of any application made under these Regulations may be taken before any person having authority to administer oaths or before any person specially appointed for that purpose by the Commissioner. Any person so specially appointed shall not charge any fee therefor.

21. Every sale or other transfer of ownership of a licensed vehicle shall be reported by the transferor and transferee by notice in writing to the Department within six days of the sale or transfer.

22. Whenever the owner of a licensed vehicle changes his address as given in the application made by him he shall within six days cause to be filed with the Department his change of address and every subsequent change of address.

#### DEALERS' LICENCES

23. A licensing officer may issue to such dealers in, manufacturers and repairers of, motor vehicles or trailers as may be approved by the Commissioner, licences to authorize the use of motor vehicles or trailers, the property of the licensee.

24. Every such licence shall be valid to authorize the use of motor vehicles or trailers when used solely or principally in connection with his business by the licensee, and also in connection with the business of the licensee when the vehicle is being tested, or is being moved to effect repairs, or to obtain registration, or to effect a sale and for the trial or demonstration of the vehicle to effect a sale, and for the transfer of a vehicle from a point

of debarkation or importation thereof. No such licence shall authorize the use of a vehicle for the carriage of persons or goods for fee or reward.

25. Every such licence shall be valid only until the 31st day of March next following the date of issue.

26. Applications for such licences shall be made to the Department on the form prescribed.

27. There shall be issued by the Department with every such licence not more than five sets of identification plates.

28. The fee for the issue of a dealer's licence shall be fifteen dollars (which fee shall include one set of identification plates) and the fee for each additional set of identification plates for a motor vehicle or a trailer to be used under such licence shall be twelve dollars.

29. Motor vehicles and trailers used under the authority of a dealer's licence shall not be registered as required for other vehicles, but the Department shall keep a separate record in the prescribed form of all such licences issued.

30. The Commissioner may at any time cancel or suspend a dealer's licence on breach of any of these regulations with respect to dealers' licences.

31. In the event of such cancellation or suspension notice in writing shall be given to the person to whom the licence was issued.

32. No dealer's licence shall be transferred or assigned to any other person without the authority of the Commissioner.

**33.** No motor vehicle shall be used on any highway under the authority of a dealer's licence unless the vehicle bears a set of identification plates issued with the licence and attached to the vehicle in accordance with the Act and these Regulations.

#### TOURISTS' VEHICLES AND INTERNATIONAL CIRCULATION OF MOTOR CARS

**34.** Any person not ordinarily resident in or carrying on any business for gain or reward in Newfoundland may be granted by an Officer of Customs a permit for the importation of a motor vehicle into Newfoundland without payment of import duty subject to the following conditions:

- (a) The importer or owner shall have complied with the laws of the country in which he resides with respect to the registration of the vehicle and the licensing of the driver thereof and the vehicle shall bear identification plates sufficient for its identification while in motion on the highway.
- (b) Upon the arrival of any such vehicle in Newfoundland it shall be reported to the Officer of Customs at the port of entry who shall thereupon record particulars of its serial, motor and registration numbers and its style and make.
- (c) The duty payable at the time of importation of the vehicle shall not be collected but shall become due and payable in any of the following cases:
  - (i) If the vehicle is used for gain or reward or for commercial purposes in Newfoundland.
  - (ii) If the vehicle is sold in Newfoundland.

(iii) If the vehicle remains in Newfoundland for a longer period than ninety days from the date of entry: Provided that the period of exemption may be extended for a further period of not more than sixty days by the Commissioner for Finance upon application in writing.

**35.** Upon the sale of a vehicle imported under these Regulations or upon its exportation from Newfoundland such sale or exportation shall be reported by the owner or exporter to the nearest Officer of Customs and the permit for entry surrendered to such officer and in case of sale the proper Customs duty paid and the identification plates surrendered to such officer.

**36.** While operated in Newfoundland prior to payment of Customs duty thereon such vehicle shall have exposed thereon the identification plates referred to in paragraph (1) of Regulation 34 or such other identification plates as may be required by the Department.

**37.** Any transportation company or steamship company which accepts for transportation out of Newfoundland a motor vehicle or trailer in respect of which a tourist's permit has been issued, shall, before export, deliver on behalf of the owner to the nearest Collector of Customs an export entry form specifying the name of the owner, the make, colour and style of the vehicle or trailer and the serial, motor and registration numbers and letters and the number of the tourist permit issued under the authority of these Regulations. The transportation company or the steamship company shall also collect the said tourist permit and ascertain that the motor vehicle or trailer offered for transportation corresponds with the description in the said tourist permit and shall transmit the said permit and a copy of the export entry form to the Secretary for Customs at St. John's.



38. The owner of any motor vehicle in respect of which an international certificate has been issued elsewhere than in Newfoundland under any international convention relative to the international circulation of motor vehicles to which Newfoundland shall have adhered may, while such certificate remains valid, be exempted from any requirement to register or hold a licence in respect of such motor vehicle in Newfoundland for a period not exceeding three months and subject to such conditions as may be prescribed.

39. Where a motor vehicle is brought into Newfoundland for the purpose of being used by the owner during a visit, and the owner of such motor vehicle does not hold an international certificate as aforesaid, a licensing officer may issue a temporary licence to use the motor vehicle for a period of not more than three months without registration and subject to such conditions as may be prescribed.

40. No motor vehicle in respect of which an international certificate or temporary licence has been issued shall be used in Newfoundland for hire or trade purposes.

41. Where a person in Newfoundland desires to use a motor vehicle in any other country which shall have adhered to any international convention as aforesaid he shall apply to the Commissioner in the prescribed manner for an international certificate in respect of the motor vehicle.

42. The Commissioner shall have power, subject to such conditions as may from time to time be prescribed, and to the payment of such fee as may be prescribed by the Governor in Commission, to issue international certificates for motor vehicles in accordance with any international convention as aforesaid. Before issuing the certificate the applicant must satisfy the Commissioner that the motor vehicle complies with the require-

ments of the said convention, and for such purposes the Commissioner may require an inspector to examine the motor vehicle and report thereon.

**43.** There shall be kept in the Department a record of all international certificates for motor vehicles and temporary licences issued, and of all motor vehicles being used in Newfoundland under the authority of international certificates issued in other countries.

**44.** It shall be lawful for a licensing officer to grant a temporary driving permit for any period not exceeding three months to any applicant for the same, when it is shown to his satisfaction that the applicant is a bona fide visitor to Newfoundland and the holder of an operator's licence valid under the laws of the country in which he resides. Such temporary driving permit may be granted with or without any driving test on the part of the applicant but shall be subject to such conditions as may be stipulated on the permit.

**45.** The holder of an international driving permit issued elsewhere than in Newfoundland and in accordance with the provisions of any international convention with respect to the international circulation of motor vehicles, to which Newfoundland shall have adhered, shall, whilst such permit remains valid, be exempted from any requirement to hold a driver's licence under the Act to drive in Newfoundland: Provided that he shall only be entitled to drive in Newfoundland a motor vehicle of the class for which he holds an authorization to drive in the country in which his international driving permit was issued.

**46.** If a person in Newfoundland desires to drive a motor vehicle in any other country which shall have adhered to any international convention as aforesaid, he shall apply to the Commissioner in the prescribed manner for an international driving permit. The applicant must comply with the requirements of the said con-

vention and shall, in addition to such other particulars as may be required by the Commissioner, satisfy him that he holds a valid driving permit issued in Newfoundland and that he is ordinarily resident in Newfoundland. The Commissioner shall have power to issue international driving permits in accordance with any international convention as aforesaid and on payment of such fee as may be prescribed by the Governor in Commission. Such permits shall, unless suspended by a court, remain in effect for twelve months from the date of issue.

### EQUIPMENT

**47.—**(1) Every vehicle when in motion on a highway later than half an hour after sunset and earlier than half an hour before sunrise shall carry the following lights:

- (a) In the case of a motor vehicle having four or more wheels, two head lights one on each side of the front approximately in line with the radiator, of sufficient strength and so disposed as to illuminate the highway in front of the vehicle and render a person at a distance of 200 feet clearly discernible from the vehicle in clear air, and casting a white or amber coloured light only; and on the rear of the vehicle one or more lights of not less than three candle power of which one at least shall cast a red light directly to the rear and one at least shall cast a white light upon the rear identification plate sufficient to render it legible at a distance of fifty feet in clear air.
- (b) In the case of a motor vehicle having a width in any part in excess of eighty inches, in addition to the lights required by sub-paragraph (a) of paragraph (1) of this regulation, two clearance lights of not more than two candle power affixed to the extreme right of the vehicle in such a position as to

show a green light to the front and a red light to the rear.

- (c) In the case of a motor bicycle without a side car one head light in front of sufficient strength and so disposed as to illuminate the road in front of the bicycle and render a person at a distance of 200 feet clearly discernible from the vehicle in clear air, and on the rear of the vehicle one light of not less than three candle power which shall cast a red light directly to the rear and a white light upon the rear identification plate, sufficient to render it legible at a distance of fifty feet in clear air.
- (d) In the case of a side car attached to a motor bicycle, in addition to the lights prescribed for the motor bicycle, a small white light visible from the front and so placed as to indicate the extreme width of the side car.
- (e) In the case of a traction engine a headlight which shall cast a white or amber coloured light from the front of the engine, and a tail light which shall cast a red light to the rear.
- (f) In the case of a trailer, a light which shall cast a red light to the rear and a white light upon the identification plate, sufficient to render it legible at a distance of fifty feet in clear air.
- (g) In the case of a pedal bicycle or tricycle a light which shall cast a white light on the road in front of the cycle and either a red light so placed as to be clearly visible from the rear or a red reflector so placed as to reflect the head lights of vehicles approaching from the rear: Provided that if no red light or red reflector is carried that portion of the rear mudguard which is visible from the rear



shall be painted white or covered with white material.

- (h) In the case of a horse-drawn wheeled vehicle either one white light affixed to the right side of the vehicle and so placed as to be visible from both front and rear, or two standard carriage lamps showing a white light in front and at the side and a red light at the rear.

(2) No motor vehicle shall carry any light casting a red light visible from the front.

(3) Save as hereinafter provided any additional light displayed on the front of commercial motor vehicles to distinguish the width or class thereof shall be green in colour and of not more than two candle power.

(4) Notwithstanding any other provision of these Regulations, motor vehicles of the Constabulary, including the St. John's Fire Department, or of any other Fire Brigade, or Ambulances, and public service vehicles and traction engines, may carry such special distinguishing lights as may be approved by the Commissioner.

(5) A motor vehicle may carry in front lights placed below the head lights and so adjusted as to cast a beam upon the road side to the left; and may carry below the headlights a light or lights adapted for use in fog.

(6) A motor vehicle may carry in front a light placed above the headlights being a spot light or other revolving or adjustable light: Provided that such light or lights shall not be lit while the vehicle is in motion.

(7) No motor vehicle when in motion may carry on the front thereof more than two lights of over four candle

power each save lights of the kind permitted by paragraphs (4) and (5) of this regulation.

(8) Whenever the load of any vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load from half an hour after sunset to half an hour before sunrise a red light, and at all other hours a red flag.

(9) It shall be unlawful to carry upon a motor vehicle any lighting device of over four candle power equipped with a reflector, unless the same shall be so designed, deflected or arranged that no portion of the parallel beam of reflected light when measured seventy-five feet or more ahead of such lighting device shall rise more than forty-two inches above the level surface on which the vehicle stands.

(10) Any device for the elimination of glare approved from time to time by the Commissioner, when in proper adjustment, and having a light of candle power not in excess of that authorized by the Commissioner for such device, shall be held to be in conformity with the next preceding paragraph.

**48.—**(1) Every motor vehicle other than a motor cycle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, having two separate means of application, each of which means shall be effective to apply brakes to at least two wheels, and so constructed that either can be fully applied irrespective of the failure of the other.

(2) Every motor cycle shall be equipped with at least one brake adequate to control the movements of and to stop such cycle.

- (3) All such brakes shall be maintained in good working order.

**49.**—(1) All motor vehicles, and all trailers having a gross weight exceeding 1120 pounds, shall be equipped with rubber tyres or tyres of some composition equally resilient.

(2) A vehicle having solid tyres shall not be operated on any highway with a tyre that is so broken or defective as to cause additional impact or pounding on or cutting of the surface of the highway.

(3) In the case of motor vehicles or trailers equipped with solid rubber tyres there shall be at least one and one-quarter inches of rubber between the wheel rim and the surface of the highway.

(4) Save with the special permission of the Commissioner no vehicle shall be operated, or object moved, over or upon the highway with any flange, rib, clamp or other device attached to its wheels, or made part thereof, which might injure the surface of the highway: Provided that nothing in this paragraph shall affect the use of tyre chains of reasonable proportions.

(5) Save with the special permission of the Commissioner no vehicle shall be operated, or object moved, upon wheels, rollers or otherwise, over or upon any highway, of which the M.G.W. is in excess of 16,000 pounds or of which the weight on any one wheel is in excess of 5,500 pounds.

(6) Save with the special permission of the Commissioner no vehicle, object or contrivance for moving loads, whose M.G.W. exerts a pressure in excess of 500 pounds upon any inch in width of tyre, roller, wheel or other ob-

ject and which is equipped with tyres of less than six inches in width shall be operated or moved over or upon any highway; and no vehicle equipped with tyres of six inches or more in width and of which the M.G.W. exerts a pressure in excess of 600 pounds upon any inch in width of tyre shall be so operated or moved.

(7) There shall not be operated over or upon any highway any commercial vehicle the M.G.W. of which exceeds the M.G.W. as provided in the following table for the rear tyres with which the vehicle is equipped.

M.G.W. under 4,000 lbs. ....	tyres 3½ ins. in width
M.G.W. 4,000 lbs. to 6,000 lbs.....	tyres 4 ins. in width
M.G.W. above 6,000 lbs. to 8,000 lbs.	tyres 5 ins. in width
M.G.W. above 8,000 lbs. to 10,000 lbs.	tyres 6 ins. in width
M.G.W. above 10,000 lbs. to 12,000 lbs.	tyres 7 ins. in width
M.G.W. above 12,000 lbs. to 14,000 lbs.	tyres 8 ins. in width
M.G.W. above 14,000 lbs. to 16,000 lbs.	tyres 10 ins. in width

Provided that the Commissioner may authorize tyres of less than the width specified in the above table in the case of such vehicles the M.G.W. of which is distributed more or less evenly on all four wheels, and in the case of such vehicles as are equipped with more than four wheels, and in the case of trailers.

(8) For the purpose of this regulation the width of solid rubber or pneumatic tyres shall be as stamped thereon by the manufacturer.

(9) For the purpose of this regulation a trailer shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn.

(10) The Commissioner or such other person as may be thereto authorized by him, may, upon application in writing, grant a permit for the moving of heavy vehicles whose M.G.W. exceeds 16,000 pounds or objects or struc-

tures weighing more than 16,000 pounds over or upon any highway or for operating or moving over or upon any highway any vehicle or any object or contrivance the M.G.W. of which resting upon the surface of the highway exceeds the M.G.W. as provided in paragraphs (5) (6) and (7) of this regulation.

(11) Such permit may be general or may be limited as to time and as to the particular highway which may be used, and may contain such special conditions or provisions as may be deemed necessary for the protection of the highway from injury, and the Commissioner may require a bond sufficient to cover the cost of repairing such possible injury to the highway.

(12) The owner, operator or mover of any such vehicle, object or contrivance who has obtained the permit mentioned in paragraph (10) of this regulation shall nevertheless be responsible for all damages which may be caused to the highway by reason of the operating or moving of any such vehicle, object or contrivance.

**50.**—(1) No person shall drive upon any highway a motor vehicle not equipped with a muffler in good working order and in constant operation so as to prevent excessive or unusual noise from the exhaust. No muffler cut-out shall be installed upon any motor vehicle.

(2) The driver of a motor vehicle shall not sound or permit to be sounded any horn or other signalling device so as to make any unreasonable noise nor shall he permit any unreasonable amount of smoke to escape from the said motor vehicle.

(3) Every motor vehicle shall be equipped with an efficient horn, and the same shall be kept in good working order and sounded whenever it shall be reasonably necessary to notify pedestrians or others of the approach of



the vehicle. Bells, gongs or sirens shall not be used except on fire or police apparatus or on ambulances.

(4) Every motor vehicle other than a motor cycle shall be equipped with a mirror so placed as to afford the driver a view of the road behind the vehicle.

(5) Every motor vehicle other than a motor cycle shall, at all times when there is a risk of sliding or skidding by reason of ice or snow upon the highway, be equipped with tyre chains of reasonable proportions upon the rear wheels.

51. Every person travelling upon a highway with a sleigh or sled drawn by a horse or other animal shall have at least two bells attached to the harness or to the sleigh or sled in such a manner as to give ample warning sound.

52. Every vehicle licensed or required to be licensed as a commercial motor vehicle or as a public service vehicle shall have legibly printed on the sides thereof the M.G.W. for which the vehicle is licensed.

53. No person shall drive on a highway any vehicle which, including its load or contents, shall have a greater width than ninety inches, except traction engines or threshing machines which may have a total width of one hundred and ten inches, and except loads of loose fodder: Provided that the Commissioner may, upon application made to him in writing, permit a public service vehicle having a width in excess of ninety inches, but not in excess of ninety-five inches, to be operated on such highways as may be approved by him and subject in all respects to the conditions mentioned in the permit, which permit shall be displayed at all times in a conspicuous position inside the public service vehicle.

54. The identification plates issued in respect of a motor vehicle shall at all times be securely fastened to the vehicle for which they are issued so as to prevent the plates from swinging, and shall be at a height of not less than twelve inches from the ground measured from the bottom of each plate and in such a place and position that in the case of a motor bicycle the front plate shall be clearly visible from both sides and the rear plate from the rear, and in the case of a trailer the plate shall be clearly visible from the rear, and in the case of any other vehicle the front plate shall be clearly visible from the front and the rear plate from the rear.

55. The identification plates issued in respect of a motor vehicle shall, when such vehicle is used upon a highway, be free from mud, dust and other obscuring material so that at all times they shall be clearly legible and the view of such plates shall not be obstructed by any part of the equipment or load of the vehicle.

56. The rear identification plate on a motor vehicle or trailer shall be so placed as to be fully and adequately illuminated at night by a tail light.

57. No plate or number capable of being confused with the identification plate or the number thereon shall be exposed upon any part of a vehicle.

58.—(1) As from the 1st day of April, 1941, every motor vehicle other than a traction engine shall be fitted with an efficient speedometer so constructed and in such a position as at all times readily to indicate to the driver of the vehicle within a margin of accuracy of plus or minus ten per cent if and when he is driving at a speed in excess of any lawful speed limit.

(2) Every speedometer provided in compliance with the requirements of this regulation shall at all material times be maintained in good working order and kept free

from any obstruction which might prevent its being easily read by the driver of the vehicle.

#### PUBLIC SERVICE VEHICLES

**59.** Every motor vehicle which is used as a public service vehicle shall be registered and licensed as a public service vehicle and for a specified seating capacity: Provided that the use of such vehicles not so registered but otherwise registered and licensed shall not constitute an offence if it is established that the vehicle is not principally used as a public service vehicle.

**60.** Every vehicle registered as a public service vehicle shall have conspicuously displayed in a clearly legible notice posted inside the public service vehicle a statement of the number of passengers for which the vehicle is registered and a statement of the table of fees chargeable to passengers.

**61.** Every vehicle registered as a public service vehicle shall have an entrance which shall be on the left or near side: Provided that this regulation shall not apply to vehicles which have been, prior to the date which shall be two months after the coming into effect of these regulations, licensed as commercial motor vehicles under this Act or any previous Act relating to highway traffic and which have been in actual use as public service vehicles within twelve months prior to the said date.

**62.** Every vehicle registered as a public service vehicle shall have an additional emergency exit which shall be clearly marked as such and fitted with a door which opens outwards and is easily accessible to passengers: Provided that this regulation shall not apply to vehicles which have been, prior to the date which shall be two months after the coming into effect of these regulations, licensed as commercial motor

vehicles under this Act or any previous Act relating to highway traffic and which have been in actual use as public service vehicles within twelve months prior to the said date.

**63.** As from such date as shall be two months after the coming into effect of these regulations every vehicle registered as a public service vehicle shall carry in such a position as to be readily available for use suitable and efficient fire extinguishing apparatus of a type approved by the Commissioner.

**64.** Every vehicle registered as a public service vehicle shall be so designed that the driver has adequate room and can easily reach and quickly operate the controls. The accommodation for the driver shall be so arranged as to afford adequate protection during inclement weather, and means shall be provided where necessary to prevent light from the interior of the vehicle incommoding the driver. No person or article shall be carried in a public service vehicle in such a position as to be liable to obstruct the driver.

**65.** Every entrance, exit and gangway of a public service vehicle shall be kept clear of obstruction while passengers are being carried: Provided that for the purposes of this regulation standing passengers shall not be deemed to form an obstruction.

**66.** The seating capacity of a public service vehicle shall be calculated so as to allow sixteen inches of seating space for each passenger and the number of passengers carried on the vehicle shall not exceed the seating capacity so ascertained: Provided that in the case of a public service vehicle which is not less than 200 inches in length and not less than 6,500 maximum gross weight, additional passengers, not exceeding ten in number, may be carried if it is established that the additional passengers were taken up during hours of peak traffic or in circumstances

in which undue hardship would have been caused to such passengers if they had not been carried in the vehicle.

67. Every public service vehicle shall comply in all respects with the requirements as to the construction, weight and equipment of motor vehicles set forth in these Regulations or in any regulations that may hereafter be made in place of or in addition to these Regulations which are applicable to the vehicle, and the vehicle, including all body work, upholstery and fittings shall be soundly and properly constructed of suitable materials, well finished and in good and serviceable condition and of such design that it is capable of withstanding the loads and stresses likely to be met with in operation.

#### TESTING AND INSPECTION

68. Any constable in uniform is hereby empowered to test and inspect, either on a highway or, subject to the consent of the owner of the premises, on any premises where the vehicle is, at the expense of the owner of the vehicle, any brakes, silencers, steering gear, horn, lights and any appliances required by regulations made under the Act and other equipment whatsoever required by any such regulations.

69. Any inspector who is authorized in writing by the Commissioner, which authorization may be general or in respect of a particular vehicle, is empowered to inspect and test any motor vehicle and such inspection and test may be carried out prior to issuing a licence or during the period when a licence is in force. Every such inspection or test shall be carried out at the expense of the owner of the vehicle and if the vehicle is considered by the inspector to be dangerous or unfit for use he shall certify in writing accordingly.



## RULES OF THE ROAD

**70.** Every vehicle meeting or being overtaken by other traffic shall be kept to the left or near side of the highway.

**71.** Every vehicle overtaking other traffic shall be kept to the right or off side of such other traffic.

**72.** Every vehicle being overtaken by other traffic shall be driven as close to the left or near side of the highway as possible so as to allow such other traffic to pass.

**73.** Every vehicle shall in all cases be driven so as to give as much space as possible for the passing of other traffic.

**74.** Where one vehicle is met or overtaken by another if, by reason of the weight of the load on either of the vehicles, the driver finds it impracticable to draw to the left he shall immediately stop and, if necessary for the safety of the other vehicle and if required so to do, he shall assist the person in charge thereof to pass without damage.

**75.** No vehicle shall be driven so as to overtake other traffic except on the right and unless the driver has a clear and unobstructed view of the highway ahead and he shall not overtake such other traffic until he sees that the highway ahead is clear for a sufficient distance to enable him to overtake such traffic and get back to his proper side without danger to any other traffic.

**76.** No vehicle shall overtake other traffic when approaching or rounding a corner, or when highways intercept or fork, or where a highway passes over the brow of a hill or over a humpbacked bridge, or in any other circumstances where the driver cannot see sufficiently far ahead to overtake with safety.

77. No vehicle shall be turned in a highway, or be driven from a place which is not a highway into a highway, or from a highway into a place which is not a highway, unless it can be so driven without obstructing any other traffic on the highway, and for this purpose a vehicle shall be held to be obstructing other traffic if it causes risk of accident thereto.

78. Every vehicle turning from one highway into another highway to the left shall keep close to the left side of each highway.

79. Every vehicle turning from one highway into another highway to the right shall drive round the point of intersection of the two highways, and shall keep close to the centre line of each highway.

80. Where two persons in charge of vehicles or on horseback approach a cross road or enter an intersection at the same time, the person to the left hand of the other vehicle or horseman shall have the right of way.

81. The driver of a vehicle within an intersection intending to turn to the right across the path of any vehicle approaching from the opposite direction may make such right turn only after affording a reasonable opportunity to the driver or operator of such other vehicle to avoid a collision.

82.—(1) The Commissioner may, by notice published in the Newfoundland Gazette, designate any highway or part thereof to be a through highway and, subject to the provisions of this regulation, drivers of vehicles entering a through highway must proceed with special care and give way to traffic on the through highway.

(2) The provisions of Regulation 81 as to the right of way shall not apply in respect of traffic entering or leaving a through highway.

(3) The driver of a vehicle entering a through highway shall, immediately before entering, bring the vehicle to a stop.

(4) "Stop signs" shall be erected at all major points of intersection of a through highway with other highways which points shall be determined by the Commissioner, but the provisions of paragraph (3) of this regulation shall apply whether or not any such signs have been erected.

83. The provisions of these Regulations as to right of way shall have effect subject to the directions of any constable on traffic duty and, in the case of any direction to drivers being given, the direction of such constable shall prevail.

84. The driver of a vehicle shall, on the approach of any vehicle or apparatus of the Fire Department, bring his vehicle to a stop as near the left hand curb or side drain as possible and shall at night dim the lights of his vehicle.

85. The driver of a vehicle shall stop whenever required to do so by any constable in uniform, either verbally or by a signal by hand or by whistle, and shall obey his order and comply with any direction which he shall give in the interest of good order of traffic or public safety.

86. Vehicles shall, whenever there is other traffic in sight on the highway, drive on the left side of the highway viewed in the direction in which they themselves are moving. Slow-moving vehicles shall travel as near as possible to the curb or side drain on the left, allowing more swiftly moving vehicles passage on the right.

87.—(1) When a traction engine is met or overtaken on a highway by a vehicle drawn by any animal, or by a

horseman, the operator of the engine shall, if practicable, draw to the left and give such vehicle or horseman at least one-half of the highway, and, if requested by the other driver or horseman, shall stop and remain stationary until the vehicle or horseman has passed, and shall, if so requested, assist such driver or horseman to pass.

(2) It shall be the duty of the operator or the person in charge of any such engine to see that it makes no avoidable noise by whistling or otherwise when any animal is passing or is near or is about to pass the same on any highway.

88. The driver of a motor vehicle shall, when upon a highway and approaching any animal, exercise every reasonable precaution to avoid frightening such animal.

89.—(1) When any street car or tram car running on rails in a street is stationary for the purpose of taking on or discharging passengers, no vehicle, bicycle, tricycle or ridden horse shall pass such car or shall be brought nearer than ten feet to an imaginary line drawn across the street at right angles to the direction thereof and passing through the middle of the entrance or exit door then in use until such passengers have entered the car or reached the side of the road as the case may be.

(2) No person in charge of a vehicle, or on a bicycle or tricycle, or on horseback, or leading a horse, overtaking a street car or tram car which is being operated in or near the middle of the highway, and which is either stationary or in motion, shall pass on the right hand side of such car, having reference to the direction in which such person is travelling.

90. A motor vehicle shall not be permitted to remain in a stationary position upon a highway, whether for the temporary taking up or discharging of passengers or goods or for any other purpose, except upon the left or

near side thereof and in one or other of the following positions:

- (a) The left front wheel and the left rear wheel shall be within eighteen inches of the edge of the driving surface of the highway; or
- (b) the front wheels of the motor vehicle shall be as close as practicable to the edge of the driving surface of the highway and the rear of the vehicle shall extend across the highway but so as to interfere as little as possible with traffic; or
- (c) the rear wheels of the vehicle shall be as close as practicable to the edge of the driving surface of the highway and the front of the vehicle shall extend across the highway, but so as to interfere as little as possible with traffic:

Provided that it shall not be lawful to park a vehicle in either of the positions (b) or (c) aforementioned if such parking causes or is likely to cause serious interference with traffic.

**91.**—(1) A motor vehicle shall not be permitted by the owner or operator thereof to remain in a stationary position upon a highway for any purpose or in any position if traffic is thereby prevented from passing on the highway.

(2) In any case where it appears that a vehicle has been abandoned upon a highway or upon public land adjoining a highway, the Department may give notice to the owner of such vehicle requiring him to remove it within a stated time, and if such vehicle is not so removed the Department may carry out such removal, and the costs and expenses of such removal may be recovered from such owner as a civil debt.



92. Whenever a constable engaged in the control of traffic gives directions as to parking and whenever any traffic signs (including lines or markers) on the highway indicate the place or position in which vehicles shall be parked, the directions of the constable, and the indication of the signs shall apply in place of the foregoing regulations with reference to parking.

93. No motor vehicle shall be parked upon a highway in such a position that it is not visible to approaching traffic in both directions on the highway for a distance of two hundred feet, save for the purpose of the immediate taking up or discharging of passengers or for such time as may be actually necessary for the loading or unloading of goods or for repairing such vehicle when repairs thereto on the highway are necessary.

94. No person shall drive upon a highway any vehicle carrying a load which projects more than six feet beyond the rearmost part of the vehicle (excluding the tailboard, if any): Provided that it shall be lawful for the Chief of Police, and for any constable in any place outside of St. John's, to give permission in writing to any person applying for the same, for such cause as may seem proper, for the carrying of a load so projecting on such occasions as shall be specified in the written permission aforesaid, but subject to compliance with the provisions of Regulation 48 (8).

95. No person shall drive a motor vehicle with persons or property in the front or driver's seat or otherwise so placed as in either of the said cases to interfere with the proper management or control of the vehicle by the driver.

#### SPEED LIMIT

96. No person shall drive any motor vehicle on any highway outside the limits of the City of St. John's or

on any highway where no local speed limit has been established at a speed exceeding twenty-five miles per hour in any of the following cases:

- (a) If such person has not an uninterrupted view for at least two hundred yards of the highway on which he is travelling; or
- (b) if there is another vehicle being driven towards such person from the opposite direction within two hundred yards; or
- (c) if there is within fifty yards of such person a vehicle of any kind standing on the highway, or a horsedrawn vehicle being driven towards such person on the highway.

**97.** No person shall drive any motor vehicle within the limits of the City of St. John's at a speed exceeding twenty miles per hour.

**98.** No person shall drive a motor vehicle through any settlement at a speed exceeding that specified on any sign prescribed for the control of traffic through such settlement.

**99.** No person shall drive any motor vehicle on any highway which is not a paved highway, at a speed exceeding thirty-five miles per hour.

**100.** No person shall drive any motor vehicle, the tare of which is in excess of 5500 pounds, on any highway at a speed exceeding thirty miles per hour.

### TRAFFIC SIGNS

**101.** The following kinds of Traffic Signs are hereby prescribed pursuant to Part III of the Act, and any person who fails to comply with the direction or prohibi-

tion given by any such signs shall be guilty of an offence against these Regulations.

### Light Signals

(1) Light signals, being traffic signs with two lights facing each stream of traffic which the signal is intended to control, of which one shall be red and one green.

The significance of the light signals aforesaid shall be as follows:

- (a) The red signal shall be taken as prohibiting vehicular traffic from proceeding beyond the stop line on the driving surface of the highway in conjunction with the signs (as hereinafter explained) until the green signal is shown:

Provided that traffic may pass the stop line to proceed to the left, but for such distance only as may be necessary for that purpose, whenever it is possible to do so with due regard to the safety of other users of the road but subject to the directions of any constable and to the prohibition of such left turn whenever a traffic sign is erected in conjunction with a light signal bearing the words "**Left turn on red light prohibited**".

- (b) The green signal shall be taken to indicate that vehicular traffic may pass the signal and proceed straight on or to the left or to the right with due regard to the safety of other users of the road and subject to the directions of any constable who may be engaged in the regulation of traffic.

### Stop Signs

(2) A sign conveying the order to stop to be erected in such places as are appointed by the Commissioner such

sign having inscribed thereon STOP and initials to identify the sign as having been erected under the authority of the Commissioner, as follows: C.P.U.

Whenever a stop sign is erected at or near the intersection of two highways it shall face the stream of traffic on one highway and every person driving a vehicle on such highway shall bring the vehicle to a stop before entering but as near as practicable to the driving surface of the other highway: Provided that if there is a stop line on the highway (as hereinafter explained) in conjunction with a stop sign it shall be the duty of drivers of vehicles to come to a stop before passing over and as near as practicable to such stop line.

### Stop Lines

(3) A stop line, for use in conjunction with light signals and stop signs, shall be a white line not less than three inches in width painted on the driving surface of a highway, or a row of metal markers affixed to such driving surface; but in lieu of the foregoing a stop line, for the purposes of light signals and stop signs, may consist of an imaginary line across the driving surface of the highway at right angles to the curb indicated by a traffic sign erected at or immediately above the point on the curb where the line commences, which point may be marked, and such traffic sign shall be of such design as shall be approved by the Commissioner and shall bear the words "Stop line".

### Signs For Prohibition of Parking

(4) A sign conveying the order to prohibit the parking of vehicles to be erected in such places as may be appointed by the Commissioner, such sign having inscribed thereon the words NO PARKING and initials to identify

the sign as having been erected under the authority of the Commissioner, as follows: C.P.U.

The portion of the highway to which the sign is applicable shall be clearly indicated by painted white lines or words or markers on the highway or by additional words inscribed on the sign which may describe the area to which the prohibition of the sign is applicable by name or other description or by reference to another sign erected on or near the same highway.

In this part of this regulation numbered (4) "parking" shall mean permitting a vehicle to remain in a stationary position on a highway, whether or not the operator remains in control. The prohibition shall not apply, unless stated on the sign, to the stopping of a vehicle for the immediate taking up or discharging of passengers or for such time as may be actually necessary for the loading or unloading of goods.

### **Parking Signs**

(5) Signs to indicate places in which vehicles may be parked and the position in which they shall be parked in such places, which shall consist of a sign bearing a large letter P and the letters C.P.U. Notices may be used in conjunction with the sign indicating limitations of the use of the parking place to which it refers. White lines may be painted on the road surface of the parking place indicating the position in which vehicles must be parked and in such case vehicles shall be parked within the boundaries of the lines and as indicated thereby.

### **Signs for Stands for Public Service Vehicles**

(6) Signs to indicate places where public service vehicles may stop but only for the purpose of taking up or setting down passengers and where no other vehicle shall be permitted to stop or stand, to be erected in such

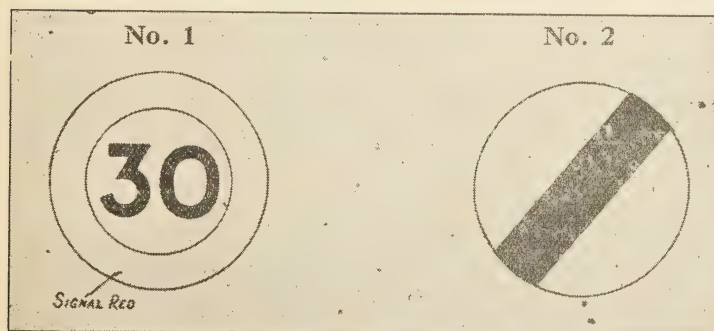


places as are appointed by the Commissioner, such signs having inscribed thereon the words "BUS STOP" and the figures "50" and initials to identify the signs as having been erected under the authority of the Commissioner, as follows: C.P.U., and the said words and figures shall be deemed to prohibit any vehicle other than a public service vehicle from stopping or standing within twenty-five feet of any such sign.

### Signs to Indicate Maximum Speed Limits

(7) There shall be erected on or near such highways as shall be prescribed by the Commissioner signs to indicate an area wherein the driving of a vehicle in excess of a certain maximum speed is prohibited.

For such purpose signs in the form of the diagram hereinafter set forth under the heading No. 1 shall be erected at points where the speed limit begins and signs in the form of the diagram hereinafter set forth under the heading No. 2 shall be erected at the point where the speed limit ceases, as follows:



Every such sign in the form shown under the heading No. 1 above may be varied by substitution for the figures

set forth in the said diagram of such figures as indicate the maximum speed prescribed by the Commissioner for the area where the sign is erected.

The area wherein any such special maximum speed limit shall apply shall be defined by the Commissioner by order, and the places where any signs are to be erected shall be appointed by him, and such area may be indicated by the erection of such signs on or near the portion of a highway, to which they are intended to apply, at each end of such portion and facing the streams of traffic entering such portion of the highway. The signs shall be erected on both sides of the highway and so as to be clearly visible to traffic on the highway.

The areas to which such signs are applicable shall not comprise any portion of more than one highway (which shall be the highway on or near to which such signs are erected).

### **Signs to Prohibit Entry**

**102.** A sign conveying the order not to enter into a highway at a particular point of intersection with another highway, to be erected in such places as are appointed by the Commissioner, such signs having inscribed thereon the words NO ENTRY and initials to identify the sign as having been erected under the authority of the Commissioner, as follows: C.P.U.

### **Signs to Close Highways to Traffic**

**103.**—(1) Signs to close highways or parts thereof under the provisions of Section 13 subsection (3) paragraph (g) of the Act shall be in the form authorized by the Commissioner and shall be identified by the initials C.P.U.

(2) Every such sign shall state the period for which the highway or part thereof is closed or shall state that it is closed until further notice.

(3) The highway or part of the highway to which such sign applies shall be indicated by the erection of a sign at each end of the highway or part of the highway which is closed and at all major points of intersection with the highway which points shall be determined by the Commissioner.

104. These Regulations may be cited as The Highway Traffic Regulations, 1941.

## SECOND SCHEDULE

### ENACTMENTS REPEALED

Session & Chapter	Title or Short Title	Extent of Repeal
No. 12 of 1935.	The Highway Traffic Act, 1935.	The whole Act.
No. 24 of 1939.	An Act to Amend the Highway Traffic Act, 1935.	

AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDED THE THIRTIETH DAY OF JUNE, ONE THOUSAND NINE HUNDRED AND FORTY AND THE FINANCIAL YEAR ENDING THE THIRTIETH DAY OF JUNE, ONE THOUSAND NINE HUNDRED AND FORTY-ONE, AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE.

[28th March, 1941]

SECTION 1.—Supplementary Supply 1939-40 and 1940-41.  
Schedule.

MAY IT PLEASE YOUR MAJESTY :—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland.

MAY IT THEREFORE PLEASE YOUR MAJESTY :—

A.D. 1941

**That it may be enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Supplementary  
Supply 1939-40  
and 1940-41.

1. From and out of the Consolidated Revenue Fund there may from time to time be issued by the Commissioner for Finance and Controller of the Treasury sums not exceeding Thirty-three thousand one hundred and fifty dollars (\$33,150.00), and the said sum so issued shall be paid and applied as to Twenty-six thousand, one hundred and fifty dollars (\$26,150.00) thereof in respect of the year extending from the first day of July, one thousand nine hundred and thirty-nine to the thirtieth day of June one thousand nine hundred and forty, and as to Seven

thousand dollars (\$7,000.00) thereof in respect of the year extending from the first day of July, one thousand nine hundred and forty to the thirtieth day of June, one thousand nine hundred and forty-one, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule to this Act.

**SCHEDULE**

Schedule.

Head	Service	Amount
XIV	Dominions Office Loan (1939-1940 account) .....	\$26,150
XIV	Dominions Office Loan (1940-1941 account) .....	7,000



AN ACT FURTHER TO AMEND THE ST. JOHN'S  
MUNICIPAL ACT, 1921, AND ACTS IN AMEND-  
MENT THEREOF.

[1st April, 1941]

SECTION

- 1.—Amdt. Sec. 2 of Principal Act.
- 2.—Repeal and substitution Sec. 150 (f).
- 3.—Repeal and substitution Sec. 199.
- 4.—Enactment of new Sec. 240-A: City Clerk to have additional power of enforcing payment of taxes or assessments.
- 5.—Amdt. Sec. 242.
- 6.—Amdt. Sec. 265.

SECTION

- 7.—Enactment of new Sec. 274-A: Supplying water to ships of war free of charge.
- 8.—Enactment of new Sec. 307-A: Procedure where Council desires to recover arrears of taxes or assessments by suit in Supreme Court.
- 9.—Amdt. Sec. 5 of Act No. 18 of 1939.

A.D. 1941

Be it enacted by the Governor, by and with the advise of the Commission of Government, as follows:

Amdt. Sec. 2 of  
Principal Act.

1. Section 2 of the St. John's Municipal Act, 1921, (hereinafter called the Principal Act) is hereby amended as follows:—

(a) By striking out the word "OWNER" and the meaning assigned to it and substituting therefor the following:

"OWNER" when used in relation to any property within the City—

(i) includes for all purposes an agent receiving or entitled to receive the rentals of or having the care or management of any such property belonging to an owner absent from Newfoundland: Provided that such agent shall incur no personal liability for any breach by his principal of any of the provisions of this Act in relation to such property unless after being required by the Coun-

oil in writing to make good such breach he parts with moneys of his principal then in or from time to time coming into his hands without retaining thereout an amount sufficient to enable him to make good such breach, including penalties therefor, if any.

(ii) means, in the case of property held under a building lease, the lessee or his assignee, including in the term "assignee" a sub-tenant for the whole or substantially the whole term thereof, not being a mortgagee.

(iii) does not include a mortgagee merely because his mortgage vests the legal estate in him, but does include a mortgagee in possession.

(b) By adding thereto the following:—

"OCCUPIER" or "OCCUPANT" includes any person in actual occupation of land or premises without regard to the title under which he occupies and in the case of premises subdivided and let to lodgers or various tenants any such person receiving the rent payable by the lodgers or tenants whether on his own account or on behalf of others or partly the one and partly the other.

2. Subsection (f) of Section 150 of the Principal Act is hereby repealed, and the following substituted there-<sup>Repeal and substitution</sup> 150 (f).  
for:—

(f) To regulate or to prohibit the carrying on within the City or within one mile thereof of trades or businesses which in the opinion of the Council do or may create a nuisance either to persons in their neighbourhood or to the general public.

3. Section 199 of the Principal Act is hereby repealed and the following is substituted therefor:—<sup>Repeal and substitution</sup> Sec. 199.

199. It shall be the duty of the owner of every dog or bitch to see that the same is securely housed between the hours of eleven p.m. and six a.m. and that at no time shall such dog or bitch be on any City street unless the same is accompanied by some person who has it under effective control by means of a leash or other device approved by the Council.

Enactment of  
new Sec. 240-A:  
City Clerk to  
have additional  
power of  
enforcing  
payment of  
taxes or  
assessments.

4. The following is enacted to stand as Section 240-A of the Principal Act:

240-A. (1) In addition to all other powers of enforcing payment of taxes or assessments which the City Clerk may possess, he shall have power to impound so much of the rentals payable by tenants of property subject to City Tax as may be needful to discharge the liability of the owners of such property for any taxes or assessments due by such owners to the City whether in respect of the property occupied by such tenants or otherwise.

(2) If the City Clerk shall cause to be served on any such tenant a notice in writing under his hand requiring him to pay his rent to the City Clerk instead of to his landlord it shall be the duty of the tenant from the date of receipt by him of such notice until such notice is countermanded in writing by the City Clerk to pay his rents or so much thereof as may be specified in such notice to the City Clerk or his deputy at City Hall and the receipt of the City Clerk or such deputy shall to the extent of such payment be a good discharge to the tenant as against any claim by his landlord for rent. A duplicate of such notice shall be delivered or mailed to the landlord by the

City Clerk on or before the date of its service on the tenant, and a duplicate of each receipt given to the tenant shall be furnished by the City Clerk to the landlord on demand. If the landlord wishes to dispute the correctness of the amount claimed by the City Clerk to be due at the date of such notice he shall forthwith give particulars of his objection in writing to the City Clerk, who, unless the dispute can forthwith be settled by discussion, shall countermand his notice to the tenant and without delay take suit to recover the amount due.

- (3) Payments so made by the tenant shall be credited by the City Clerk against the indebtedness of the landlord to the City for any taxes or assessments due and the City Clerk shall not be compellable to release the tenant from liability to continue making such payments until such liability has been completely discharged; nor shall he incur any liability to the landlord except to account for the actual payments received by him or his deputy under this section.
- (4) The City Clerk may, but shall not be compellable to, distrain on the tenant's chattels in respect of any rent in arrear; but if he refuses to distrain the landlord may do so upon giving security to the satisfaction of the City Clerk for payment to him of the proceeds of such distress or so much thereof as is required to discharge the liability of the landlord to the City for taxes or assessments.
- (5) The Municipal Arrears Commission shall have and may exercise in relation to ar-

rears of taxes or assessments collectable by the Commission all the powers given to the City Clerk by this section, in which case the notice referred to in subsection (2) hereof shall be given under the hand of at least one member of the Commission.

Amdt. Sec. 242. **5.** Section 242 of the Principal Act as enacted by Section 8 of the Act No. 12 of 1937 and as amended by the Acts No. 18 and No. 51 of 1939 is hereby further amended as follows:

(a) By striking out from subsection (1) of the said section the figures "1940" and substituting therefor the figures "1941".

(b) By striking out from subsection (2) of the said section the words and figures "and the 31st day of

December 1940," and substituting therefor the words and figures "the 31st day of December 1940, the 30th day of June 1941, and the 31st day of December 1941".

Amdt. Sec. 265 **6.** Section 265 of the Principal Act as heretofore amended is hereby further amended:—

(a) By striking out the word "mortgage" occurring twice in subsection (a) thereof and substituting therefor the word "foreclosure".

(b) By striking out subsection (f) thereof and substituting therefor the following:

(f) For the purposes of enforcing the lien or charge in favour of the City given by subsections (a) and (d) of this section the City shall be entitled—



(i) to proceed by foreclosure in the same manner as if the City held a mortgage on the property to which such lien or charge attaches, ranking in priority to all other encumbrances on the said property, whether registered or unregistered; or

(ii) to sell the property for taxes in manner hereinafter in this section appearing;

(c) By adding thereto the following as new subsections (g) and (h) thereof, namely:—

(g) (i). Before proceeding to exercise the power of sale by this section granted the Council shall cause an advertisement to be inserted once a week for four successive weeks in each of two daily newspapers published in St. John's, giving the description of the property to be sold, the name of the person appearing in the books of the Council as the owner thereof, the amount of the arrears of taxes or assessments due in respect thereof, and the time and place at which it will be offered for sale by public auction.

(ii) The upset price at the sale shall be a sum sufficient to discharge the lien of the City up to the date of the sale and the legitimate costs and expenses of the sale and the conveyance to the purchaser, and if within one hour from the time set by the advertisement for the sale to take place no bidder appears who is willing to pay as much as the said upset price the Council may purchase the property at such upset price on behalf of the City, but otherwise the property shall be knocked down to the highest bidder.

(iii) If no bidder appears at the sale, and the Council elects not to buy on behalf of the City, the auctioneer may adjourn the sale for not exceeding

two weeks, in which case the adjourned sale shall be advertised again once in each of the same newspapers as before, and the adjourned sale shall be conducted in the same manner as the original sale, save that no further adjournment shall be permitted.

(iv) The purchaser at any such sale (other than the Council) shall upon completion of the purchase be entitled free of charge to a conveyance to him from the City, the effect of which shall be to vest the title to the property in him free of all encumbrances.

(v) If the Council becomes the purchaser at any such sale the auctioneer shall deliver to the City Clerk a written certificate signed by such auctioneer and certifying to the purchase, and the Council shall by resolution confirm such purchase and cause a copy of such resolution, certified under the seal of the City, to be registered in the Registry of Deeds, whereupon the title to such property shall vest in the City free of all encumbrances and the provisions of Section 88 of the Principal Act shall apply to such property.

(h) The Municipal Arrears Commission shall have and may exercise in relation to arrears of taxes or assessments collectable by the Commission the powers of enforcing the City's lien by foreclosure or sale in this section contained, and may take the necessary proceedings either in the name of the City or of the Commission as they may think desirable.

Enactment of new Sec. 274-A: Supplying water to ships of war free of charge.

7. The following is enacted to stand as Section 274-A of the Principal Act:—

274-A. Anything in this Act contained to the contrary notwithstanding, whenever any ship of war be-

longing to His Majesty or to any of His Majesty's Dominions or overseas possessions or to any country allied to His Majesty requires a supply of water, such supply shall be given to it free of charge; but this section shall continue in force only until the date on which His Majesty shall cause to be issued a Proclamation declaring that a state of war no longer exists between His Majesty and the countries with which His Majesty is now at war.

8. The following is enacted to stand as Section 307-A of the Principal Act:

Enactment of  
new Sec. 307-A:  
Procedure  
where Council  
desires to  
recover arrears  
of taxes or  
assessments by  
suit in Supreme  
Court.

307-A. (1) Whenever the Council desires to recover arrears of taxes or assessments by suit in the Supreme Court in respect of property of which there are or may be more owners than one, and of such owners the names of some may not appear on the books of appraisal or some or all may be out of the jurisdiction, the Council may proceed as follows:

- (a) In the writ of summons it shall be sufficient to name as defendants only those owners whose names appear on the books of appraisal, whether such owners are within or out of the jurisdiction and no objection shall be taken on account of the non-joinder of the others of them.
- (b) Service of the writ of summons need only be effected on the defendants named in the writ and who are within the jurisdiction, but nothing herein contained shall operate to prevent defendants being added pursuant to Rules of Court.

- (c) If none of the named defendants is within the jurisdiction service of the writ may be effected by serving it on the agent within the jurisdiction, if any, entrusted with the collection of the rental of the property.
  - (d) If no such agent can be found service may be effected by affixing a copy of the writ to the door or some other conspicuous part of the property and serving the occupier, if any, with another copy and by publishing an advertisement in manner hereinafter provided.
  - (e) If it is uncertain who are the owners of the property it shall be sufficient to name as defendants in the writ "The owner or owners of the dwelling No....., Blank Street, St. John's," or as the case may be, and service may be effected as provided in paragraph (d) hereof.
  - (f) In the cases referred to in paragraphs (d) and (e) hereof the Council shall cause an advertisement to be inserted twice in each of two daily newspapers published in St. John's identifying the property, the nature of the claim and the amount claimed, and setting forth that service has been effected in the manner provided in paragraph (d) hereof.
  - (g) A suit so commenced may be prosecuted to judgment and enforced against all persons who are owners of the property by foreclosure or sale of the property.
- (2) The procedure laid down by this section may be followed by the Municipal Arrears Commis

sion in relation to arrears of taxes or assessments collectable by the Commission.

9. Section 5 of the Act No. 18 of 1939 entitled "An Act Further to Amend the St. John's Municipal Act, 1921, and Acts in Amendment Thereof", is hereby amended by adding thereto the following paragraph, namely:—

This section shall have effect retrospectively, so as to authorize the return by the Council without interest of all such sums as may have been paid by frontagers in respect of assessments for paving the street.



AN ACT TO AMEND THE ACT 19 GEORGE V CHAPTER 8 ENTITLED "AN ACT RESPECTING HARBOUR REGULATIONS FOR THE PORT OF ST. JOHN'S".

[6th May, 1941]

SECTION 1.—Repeal and substitution Sec. 47.

A.D. 1941.

**Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Repeal and  
substitution  
Sec. 47.

1. Section 47 of the Act 19 George V Chapter 8 entitled "An Act respecting Harbour Regulations for the Port of St. John's" is hereby repealed and the following substituted therefor:

47. (1) The Governor-in-Commission may make regulations further to provide for giving effect to any of the provisions of this Act and generally for the control of navigation in the Harbour and in particular but without prejudice to the generality of the foregoing, may make regulations with respect to boats engaged in carrying passengers for hire or reward in the Harbour so as to ensure the safety of such passengers and the safety and safe operation of such boats and for inspection thereof and the identification marks or flags to be displayed thereon and for the issue and period of validity of licences in respect of such boats and for the refusal or cancellation of any such licences upon failure to comply with such regulations.

(2) Any regulations made under subsection (1) of this section may provide penalties for any

breach of such regulations recoverable upon summary conviction not to exceed the sum of fifty dollars and in default of payment imprisonment not to exceed one month, and shall have the force and effect of law when published in the Newfoundland Gazette.

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AN ACT TO MAKE FURTHER PROVISION AS TO  
THE SUBMERGENCE OF LOAD LINES

[7th May, 1941]

## SECTION

1.—Penalty for taking or  
sending ship to sea with

## SECTION

load line submerged.  
2.—Short title.

A.D. 1941.

Be it enacted by the Governor, by and with the advice  
of the Commission of Government, as follows:

Penalty for  
taking or send-  
ing ship to sea  
with load line  
submerged.

1. If the master of a British load line ship registered in Newfoundland takes the ship to sea when she is loaded in contravention of Section 6 of the Merchant Shipping (Load Line Convention) Act 1935, or if any other person sends or is party to sending any such ship to sea loaded as aforesaid having reason to believe that she is so loaded, he shall, in addition to any penalty to which he may be liable under the said Section 6, be liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years; or
- (b) on summary conviction, to imprisonment for a term not exceeding six months.

Short title.

2. This Act shall be construed with The Merchant Shipping (Load Line Convention) Act 1935, and may be cited as The Merchant Shipping (Load Line Convention) Act, 1941.

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AN ACT FURTHER TO AMEND THE CO-OPERATIVE  
SOCIETIES ACT, 1939.

[14th July, 1941]

SECTION

- 1.—Amdt. Sec. 18.
- 2.—Amdt. Sec. 63 (1); operation in certain cases postponed.
- 3.—Addition of Sec. 64-A.  
Companies and Industrial

SECTION

and Provident Societies and Agricultural Societies may register under this Act; cancellation of their former registry; rights and liabilities not affected.

Be it enacted by the Governor, by and with the advice of A.D. 1941.  
the Commission of Government, as follows:

1. Section 18 of the Act No. 22 of 1939 entitled "An Act Amdt. Sec. 18.  
relating to Co-operative Societies", hereinafter called the  
Principal Act, is hereby amended by striking out para-  
graph (c) of subsection (2) thereof and substituting  
therefor the following:

(c) shall cover the period from the last annual return  
or, in the case of a new society, from the date of  
registration either to the thirtieth day of September  
next following or to such later date prior to  
January first next following as shall have been pre-  
scribed by the Registrar by notice in writing  
addressed to the registered society; and

2.—(1) Subsection (1) of Section 63 of the Principal Amdt. Sec.  
Act is hereby amended by inserting therein the words 63 (1); oper-  
"or any abbreviation thereof" immediately following the ation in certain  
word "co-operative" cases postponed.

(2) For the period of twelve months after the date of  
coming into operation of this Act and no longer the fore-  
going subsection of this section shall not affect the right  
of any person or his successor in interest to use any name

or title under which he is trading or carrying on business at the date on which this Act comes into operation.

3. After Section 64 of the Principal Act the following section shall be inserted :

Addition of  
Sec. 64-A.  
Companies and  
Industrial and  
Provident  
Societies and  
Agricultural  
Societies may  
register under  
this Act; can-  
cellation of  
their former  
registry; rights  
and liabilities  
not affected.

64-A (1) A company or society registered under the Companies Acts for the time being in force or the Industrial and Provident Societies Act, 1919, may, by a special resolution passed in accordance with the provisions of the Acts or Act under which it is registered, determine to convert itself into a society for registration under this Act, and, for this purpose, in any case where the nominal value of its shares held by any member other than a registered society exceeds the portion of the share capital of a society permitted by Section 4 of this Act, may, with the consent of such member, by such resolution provide for the conversion of the excess of such share capital over the said portion into a loan from such member to the proposed society bearing such rate of interest as may by such resolution be fixed and repayable on such conditions only as are in such resolution determined.

(2) A society registered under the Agricultural Societies Act 1936, may, in the manner following, determine to convert itself into a society for registration under this Act, that is to say, by a resolution passed by a majority of not less than three-fourths of such members of the society for the time being entitled, according to the rules regulations or bye-laws of the society, to vote as may be present in person or by proxy, in the case



where by the rules regulations or bye-laws proxies are allowed, at any general meeting of which notice specifying the intention to propose such resolution has been duly given, and confirmed by a majority of such members for the time being entitled, according to the rules regulations or bye-laws, to vote as may be present in person or by proxy, where the rules regulations or bye-laws allow proxies, at a subsequent general meeting of which notice has been duly given and held at an interval of not less than seven days nor more than one month from the date of the meeting at which such resolution was first passed, and at any such meeting a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

- (3) Any company or society registered under the Companies Acts for the time being in force or the Industrial and Provident Societies Act, 1919, or the Agricultural Societies Act 1936, which has determined to convert itself into a society for registration under this Act, may, in accordance with the procedure and conditions prescribed by rules made by the Commissioner under Section 60 of this Act, be registered under this Act; and, upon registration of any such company or society under this Act, the certificate issued by the Registrar together with a copy of the resolution for the conversion of such company or society into a society registered under this Act shall be sent for registration to the office of the Registrar of Companies in the case of a company or society registered under the Companies Acts

or the Industrial and Provident Societies Act, 1919, or to the office of the Commissioner in the case of a society registered under the Agricultural Societies Act 1936; and upon registration of such resolution and certificate by the Registrar of Companies or the Commissioner as the case may be, the registry of such company or society shall become void and shall be cancelled by the Registrar of Companies or the Commissioner who shall notify such company or society and the Registrar accordingly: Provided that registration of any such company or society as a registered society under this Act shall not affect any right or claim for the time being subsisting against or any penalty for the time being incurred by such company or society; and, for the purpose of enforcing any such right, claim or penalty, the company or society may be sued and proceeded against in the same manner as if it had not become a registered society under this Act; and every such right or claim and the liability to such penalty shall have priority, as against the property of such company or society, over all other rights or claims against or liabilities of such company or society.

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AN ACT TO AMEND THE MILITIA ACT, 1939.

[27th May, 1941]

SECTION 1.—Amdt. to Sec. 10: when Militia on active service.

**Be it enacted by the Governor, by and with the advice of A.D. 1941.  
the Commission of Government, as follows:—**

1. Section 10 of the Militia Act, 1939, is hereby amend- Amdt. to Sec.  
ed by renumbering the said section as 10 (1) and adding 10: when Militia  
thereto the following as subsection (2): on active  
service.

(2) Notwithstanding the provisions of the said Army Act the Newfoundland Militia shall be deemed to be on active service within the meaning of the said Act whenever it is so declared by Order of His Excellency the Governor in Commission and any such Order may be made and varied or revoked from time to time as the Governor in Commission may see fit.

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AN ACT FURTHER TO AMEND THE LOCAL  
ADMINISTRATION ACT, 1937.

[3rd June, 1941]

## SECTION

- 1.—Local government area in vicinity of military or naval base; specially appointed council to act in place of local council.
- 2.—Order may provide for

## SECTION

- exercise of powers of Commissioner for Home Affairs.
- 3.—Cancellation and amendment of orders.
- 4.—Short title.

A.D. 1941.

**Be it enacted by the Governor, by and with the advice of  
the Commission of Government, as follows:—**

Local government area in vicinity of military or naval base; specially appointed council to act in place of local council.

1. In the case of a local government area created under the Local Administration Act, 1937, the whole of which is within fifteen miles of any military or naval base or of any area leased to the United States of America for the establishment of any base pursuant to the Agreement made at London the 27th day of March, 1941, the Governor in Commission may in lieu of an order under Section 4 of the said Act appointing a local council make an order appointing the Commissioner for Public Health and Welfare or any other Commissioner named therein by his name of office to act in place of a local council and thereupon such consequences shall follow as if a local council had been appointed and the Commissioner so appointed shall have all the powers, duties and authority of a local council and of the Chairman thereof, save the powers set forth in Section 30 of the said Act and save as may be excepted by the terms of any such order of the Governor in Commission.

Order may provide for exercise of powers of Commissioner for Home Affairs.

2. Any order of the Governor in Commission made under this Act may provide that the powers, duties and authority to be exercised by the Commissioner for Home Affairs and Education under the Local Administration Act, 1937, in respect of a local government area, the subject of such order shall be exercised by the Commissioner

appointed under this Act to act in place of a local council.

**3.** The Governor in Commission may at any time cancel <sup>Cancellation</sup> any order made under this Act or vary or amend the same. <sup>and amendment</sup> of orders.

**4.** This Act may be cited as the Local Administration <sup>Short title.</sup> (Military Areas) Act, 1941.

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AN ACT TO AMEND THE ACT 11 GEORGE V, CHAPTER 42, ENTITLED "AN ACT TO PROVIDE FOR THE OBSERVANCE OF COMMEMORATION DAY".

[10th June, 1941]

SECTION 1.—Amdt. Sec. 1; Commemoration Day.

A.D. 1941.

**Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Amdt. Sec. 1;  
Commemora-  
tion Day.

1. Section 1 of the Act 11 George V, Chapter 42, entitled "An Act to provide for the observance of Commemoration Day" is hereby repealed and the following is substituted therefor:

1. In each and every year Sunday when it falls on the first day of July but otherwise the Sunday nearest to the first day of July shall be kept and observed in Newfoundland as and under the name of Commemoration Day, so that the deeds and sacrifices of those men and women of Newfoundland who took an active part in the late war shall be kept in remembrance with honour and respect.
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AN ACT TO GIVE EFFECT IN NEWFOUNDLAND TO AN AGREEMENT MADE BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA RELATING TO THE ESTABLISHMENT OF NAVAL AND AIR BASES IN NEWFOUNDLAND, AND TO AUTHORIZE THE EXECUTION OF A LEASE UNDER THE SAID AGREEMENT AND FOR OTHER PURPOSES.

[11th June, 1941]

SECTION

- 1.—Authority to execute lease.
- 2.—Lease effective on execution.
- 3.—Exercise of rights under lease ad interim under Article XXIV of Agreement.

SECTION

- 4.—Effect of Agreement.
- 5.—Statutory authority for acts authorized by Agreement.
- 6.—Title to lands leased.
- 7.—Reversion is in the Crown.
- 8.—Short title.

WHEREAS an Agreement was made in London on the 27th day of March, A.D. 1941, between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the United States of America relating to the lease of bases to the United States of America, hereinafter in this Act referred to as the Agreement, a true copy of which is set out in Schedule A to this Act, except Annexes II and III thereof wherein there was set forth respectively the forms of leases for the various bases and special provisions for territories other than Newfoundland;

AND WHEREAS in the said Annex II there was set forth a form of lease in respect of the bases in Newfoundland;

AND WHEREAS the exact metes and bounds of the property in Newfoundland generally described in the

Schedule to the said form of lease have since been established and agreed and the said Schedule has been revised accordingly;

AND WHEREAS the said form of lease revised as aforesaid is set forth in Schedule B to this Act;

A.D. 1941.

Now, therefore, be it enacted by the Governor by and with the advice of the Commission of Government, as follows:

Authority to  
execute lease.

1. The Governor in Commission is hereby authorized to execute a lease to the United States of America in the form set out in Schedule B to this Act.

Lease effective  
on execution.

2. Upon the execution thereof the said lease shall become effective in Newfoundland immediately.

Exercise of  
rights under  
lease *ad interim*  
under Article  
XXIV of  
Agreement.

3. The exercise by the United States of America since the 27th day of March, 1941, in accordance with Article XXIV of the Agreement of any rights, power, authority or control to be granted by such lease *ad interim* pending the execution thereof shall be deemed to have been lawful.

Effect of  
Agreement.

4. Subject to the provisions of the Agreement the United States of America shall have and may exercise in Newfoundland as from the 27th day of March, 1941, all the rights, power and authority which are conferred by the terms thereof, and any and every law now or hereafter in force in Newfoundland shall be construed accordingly.

Statutory  
authority for  
acts authorized  
by Agreement.

5. It shall be lawful for any person to do any act which shall be in exercise of the rights conferred or obligations imposed by the said Agreement and to omit to do any act

otherwise required by law whenever such omission is authorized or required by the terms of the said agreement.

6. All of the lands described in the said lease set out in Schedule B hereto shall upon the execution thereof be lawfully held as lessees by the United States of America in accordance with the terms thereof and of the Agreement and save as excepted by the provisions of the said lease all right, title and interest of any persons in, to or over the said lands whether derived from any grant from the Crown or by prescription or otherwise shall thereupon cease and determine.

7. Upon the determination of the said lease all of the lands granted thereby shall revert to and become the absolute property of the Crown in right of the Government of Newfoundland.

8. This Act may be cited as The American Bases Act, 1941.

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### SCHEDULE A.

#### AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA RELATING TO THE BASES LEASED TO THE UNITED STATES OF AMERICA (AND EXCHANGES OF NOTES).

WHEREAS the Government of the United Kingdom of Great Britain and Northern Ireland, in consultation with the Government of Newfoundland, are desirous at this time of further effectuating the declarations made on their behalf by his Excellency the Most Honourable

the Marquess of Lothian, C.H., His Majesty's Ambassador Extraordinary and Plenipotentiary, in his communication of the 2nd September, 1940, to the Secretary of State of the United States of America, a copy of which is set out in Annex I hereto and made a part hereof;

And whereas it is agreed that leases in respect of the naval and air bases to be leased to the United States of America in Newfoundland, Bermuda, Jamaica, St. Lucia, Antigua, Trinidad and British Guiana, respectively, shall forthwith be executed substantially in the forms of the leases set out in Annex II hereto, which are hereby approved, and that a similar lease in respect of a base in the Bahamas shall be executed as soon as possible;

And whereas it is desired to determine by common agreement certain matters relating to the lease of the said bases, as provided in the communication of the 2nd September, 1940, and the reply thereto of the same date from the Honourable Cordell Hull, Secretary of State of the United States, set out in Annex I and made a part hereof;

And whereas it is desired that this Agreement shall be fulfilled in a spirit of good neighbourliness between the Government of the United Kingdom and the Government of the United States of America, and that details of its practical application shall be arranged by friendly co-operation;

The Undersigned, duly authorised to that effect, have agreed as follows:—

## ARTICLE I.

### General Description of Rights.

(1) The United States shall have all the rights, power and authority within the Leased Areas which are necessary for the establishment, use, operation and defence



thereof, or appropriate for their control, and all the rights, power and authority within the limits of territorial waters and air spaces adjacent to, or in the vicinity of, the Leased Areas, which are necessary to provide access to and defence of the Leased Areas, or appropriate for control thereof.

(2) The said rights, power and authority shall include, *inter alia*, the right, power and authority:—

- (a) to construct (including dredging and filling), maintain, operate, use, occupy and control the said Bases;
- (b) to improve and deepen the harbours, channels, entrances and anchorages, and generally to fit the premises for use as naval and air bases;
- (c) to control, so far as may be required for the efficient operation of the Bases, and within the limits of military necessity, anchorages, moorings and movements of ships and waterborne craft and the anchorages, moorings, landings, take-offs, movements and operations of aircraft;
- (d) to regulate and control within the Leased Areas all communications within, to and from the areas leased;
- (e) to install, maintain, use and operate under-sea and other defences, defence devices and controls, including detecting and other similar facilities.

(3) In the exercise of the above-mentioned rights, the United States agrees that the powers granted to it outside the Leased Areas will not be used unreasonably or, unless required by military necessity, so as to interfere with the necessary rights of navigation, aviation or communication

to or from or within the Territories, but that they shall be used in the spirit of the fourth clause of the Preamble.

(4) In the practical application outside the Leased Areas of the foregoing paragraphs there shall be, as occasion requires, consultation between the Government of the United States and the Government of the United Kingdom.

## ARTICLE II.

### **Special Emergency Powers.**

When the United States is engaged in war or in time of other emergency, the Government of the United Kingdom agree that the United States may exercise in the Territories and surrounding waters or air spaces all such rights, power and authority as may be necessary for conducting any military operations deemed desirable by the United States, but these rights will be exercised with all possible regard to the spirit of the fourth clause of the Preamble.

## ARTICLE III.

### **Non-user.**

The United States shall be under no obligation to improve the Leased Areas or any part thereof for use as naval or air bases, or to exercise any right, power or authority granted in respect of the Leased Areas, or to maintain forces therein, or to provide for the defence thereof; but if and so long as any Leased Area, or any part thereof, is not used by the United States for the purposes in this Agreement set forth, the Government of the United Kingdom or the Government of the Territory may take such steps therein as shall be agreed with the United States to be desirable for the maintenance of public health, safety, law and order, and, if necessary, for defence.

## ARTICLE IV.

**Jurisdiction.**

(1) In any case in which—

- (a) a member of the United States forces, a national of the United States or a person who is not a British subject shall be charged with having committed, either within or without the Leased Areas, an offence of a military nature, punishable under the law of the United States, including, but not restricted to, treason, an offence relating to sabotage or espionage, or any other offence relating to the security and protection of United States naval and air Bases, establishments, equipment or other property or to operations of the Government of the United States in the Territory; or
- (b) a British subject shall be charged with having committed any such offence within a Leased Area and shall be apprehended therein; or
- (c) a person other than a British subject shall be charged with having committed an offence of any other nature within a Leased Area,

the United States shall have the absolute right in the first instance to assume and exercise jurisdiction with respect to such offence.

(2) If the United States shall elect not to assume and exercise such jurisdiction the United States Authorities shall, where such offence is punishable in virtue of legislation enacted pursuant to Article V or otherwise under the law of the Territory, so inform the Government of the Territory and shall, if it shall be agreed between the Government of the Territory and the United States Authori-

ties that the alleged offender should be brought to trial, surrender him to the appropriate authority in the Territory for that purpose.

(3) If a British subject shall be charged with having committed within a Leased Area an offence of the nature described in paragraph (1) (a) of this Article, and shall not be apprehended therein, he shall, if in the Territory outside the Leased Areas, be brought to trial before the courts of the Territory; or, if the offence is not punishable under the law of the Territory, he shall, on the request of the United States Authorities, be apprehended and surrendered to the United States Authorities, and the United States shall have the right to exercise jurisdiction with respect to the alleged offence.

(4) When the United States exercises jurisdiction under this Article and the person charged is a British subject, he shall be tried by a United States court sitting in a Leased Area in the Territory.

(5) Nothing in this Agreement shall be construed to affect, prejudice or restrict the full exercise at all times of jurisdiction and control by the United States in matters of discipline and internal administration over members of the United States forces, as conferred by the law of the United States and any regulations made thereunder.

## ARTICLE V.

### **Security Legislation.**

The Government of the Territory will take such steps as may from time to time be agreed to be necessary with a view to the enactment of legislation to ensure the adequate security and protection of the United States naval and air Bases, establishments, equipment and other property, and the operations of the United States under the Leases and this Agreement and the punishment of per-

sons who may contravene any laws or regulations made for that purpose. The Government of the Territory will also from time to time consult with the United States Authorities in order that the laws and regulations of the United States and the Territory in relation to such matters may, so far as circumstances permit, be similar in character.

## ARTICLE VI.

### **Arrest and Service of Process.**

(1) No arrest shall be made and no process, civil or criminal, shall be served within any Leased Area except with the permission of the Commanding Officer in charge of the United States forces in such Leased Area; but should the Commanding Officer refuse to grant such permission he shall (except in cases where the United States Authorities elect to assume and exercise jurisdiction in accordance with Article IV (1)) forthwith take the necessary steps to arrest the person charged and surrender him to the appropriate authority of the Territory or to serve such process, as the case may be, and to provide for the attendance of the server of such process before the appropriate court of the Territory or procure such server to make the necessary affidavit or declaration to prove such **service.**

(2) In cases where the courts of the United States have jurisdiction under Article IV, the Government of the Territory will on request give reciprocal facilities as regards the service of process and the arrest and surrender of alleged offenders.

(3) In this Article the expression "process" includes any process by way of **summons, subpoena, warrant, writ** or other judicial document for securing the attendance of a witness, or for the production of any documents or **exhibits, required in any proceedings civil or criminal.**



## ARTICLE VII.

**Right of Audience for United States Counsel.**

In cases in which a member of the United States forces shall be a party to civil or criminal proceedings in any court of the Territory by reason of some alleged act or omission arising out of or in the course of his official duty, United States counsel (authorised to practise before the courts of the United States) shall have the right of audience, provided that such counsel is in the service of the Government of the United States and appointed for that purpose either generally or specially by the appropriate authority.

## ARTICLE VIII.

**Surrender of Offenders.**

Where a person charged with an offence which falls to be dealt with by the courts of the Territory is in a Leased Area, or a person charged with an offence which falls under Article IV to be dealt with by courts of the United States is in the Territory but outside the Leased Areas, such person shall be surrendered to the Government of the Territory or to the United States Authorities, as the case may be, in accordance with special arrangements made between that Government and those Authorities.

## ARTICLE IX.

**Public Services.**

The United States shall have the right to employ and use all utilities, services and facilities, roads, highways, bridges, viaducts, canals and similar channels of transportation belonging to, or controlled or regulated by, the Government of the Territory or the Government of

the United Kingdom, under conditions comparable to and no less favourable than those applicable from time to time to the Government of the United Kingdom.

## ARTICLE X.

### **Surveys.**

(1) The United States shall have the right, after appropriate notification has been given to the Government of the Territory, to make topographic and hydrographic surveys outside the Leased Areas in any part of the Territory and waters adjacent thereto. Copies, with title and triangulation data, of any surveys so made will be furnished to the Government of the Territory.

(2) Notification and copies will be given to the United States Authorities of any such surveys carried out by the Government of the United Kingdom or the Government of the Territory.

## ARTICLE XI.

### **Shipping and Aviation.**

(1) Lights and other aids to navigation of vessels and aircraft placed or established in the Leased Areas and the territorial waters adjacent thereto or in the vicinity thereof shall conform to the system in use in the Territory. The position, characteristics and any alterations thereof shall be notified in advance to the appropriate authority in the Territory.

(2) United States public vessels operated by the War or Navy Departments, by the Coastguard or by the Coast and Geodetic Survey, bound to or departing from a Leased Area shall not on entering or leaving the Leased Area or the territorial waters in the vicinity thereof be subject to compulsory pilotage or to light or harbour

dues in the Territory. If a pilot is taken pilotage shall be paid for at appropriate rates.

(3) British commercial vessels may use the Leased Areas on the same terms and conditions as United States commercial vessels.

(4) It is understood that a Leased Area is not a part of the territory of the United States for the purpose of coastwise shipping laws so as to exclude British vessels from trade between the United States and the Leased Areas.

(5) Commercial aircraft will not be authorised to operate from any of the Bases (save in case of emergency or for strictly military purposes under supervision of the War or Navy Departments) except by agreement between the United States and the Government of the United Kingdom; provided that in the case of Newfoundland such agreement shall be between the United States and the Government of Newfoundland.

## ARTICLE XII.

### Motor Traffic.

(1) Standard and test types of motor vehicles as determined by the United States shall not be prevented from using roads in a Territory by reason of non-compliance with any law relating to construction of motor vehicles.

(2) No tax or fee shall be payable in respect of registration or licensing for use in a Territory of motor vehicles belonging to the Government of the United States.

## ARTICLE XIII.

**Immigration.**

(1) The immigration laws of the Territory shall not operate or apply so as to prevent admission into the Territory, for the purposes of this Agreement, of any member of the United States Forces posted to a Leased Area or any person (not being a national of a Power at war with His Majesty the King) employed by, or under a contract with, the Government of the United States in connection with the construction, maintenance, operation or defence of the Bases in the Territory; but suitable arrangements will be made by the United States to enable such persons to be readily identified and their status to be established.

(2) If the status of any person within the Territory and admitted thereto under the foregoing paragraph shall be altered so that he would no longer be entitled to such admission, the United States Authorities shall notify the Government of the Territory and shall, if such person be required to leave the Territory by that Government, be responsible for providing him with a passage from the Territory within a reasonable time, and shall in the meantime prevent his becoming a public responsibility of the Territory.

## ARTICLE XIV.

**Customs and Other Duties.**

(1) No import, excise, consumption or other tax, duty or impost shall be charged on—

- (a) material, equipment, supplies or goods for use in the construction, maintenance, operation or defence of the Bases, consigned to, or destined for, the United States Authorities or a contractor;

- (b) goods for use or consumption aboard United States public vessels of the Army, Navy, Coast Guard or Coast and Geodetic Surveys;
  - (c) goods consigned to the United States Authorities for the use of institutions under Government control known as Post Exchanges, Ships' Service Stores, Commissary Stores or Service Clubs, or for sale thereat to members of the United States forces, or civilian employees of the United States being nationals of the United States and employed in connection with the Bases, or members of their families resident with them and not engaged in any business or occupation in the Territory;
  - (d) the personal belongings or household effects of persons referred to in sub-paragraph (c), and of contractors and their employees being nationals of the United States employed in the construction, maintenance or operation of the Bases and present in the Territory by reason only of such employment.
- (2) No export tax shall be charged on the material, equipment, supplies or goods mentioned in paragraph (1) in the event of reshipment from the Territory.
- (3) This Article shall apply notwithstanding that the material, equipment, supplies or goods pass through other parts of the Territory **en route** to or from a Leased Area.
- (4) Administrative measures shall be taken by the United States Authorities to prevent the resale of goods which are sold under paragraph (1) (c), or imported under paragraph (1) (d), of this Article, to persons not entitled to buy goods at such Post Exchanges, Ships' Service Stores, Commissary Stores or Service Clubs, or



not entitled to free importation under paragraph (1) (d); and generally to prevent abuse of the customs privileges granted under this Article. There shall be co-operation between such Authorities and the Government of the Territory to this end.

## ARTICLE XV.

### **Wireless and Cables.**

(1) Except with the consent of the Government of the Territory, no wireless station shall be established or submarine cable landed in a Leased Area otherwise than for military purposes.

(2) All questions relating to frequencies, power and like matters, used by apparatus designed to emit electric radiation, shall be settled by mutual arrangement.

## ARTICLE XVI.

### **Postal Facilities.**

The United States shall have the right to establish United States Post Offices in the Leased Areas for the exclusive use of the United States forces, and civilian personnel (including contractors and their employees) who are nationals of the United States and employed in connection with the construction, maintenance, operation or defence of the Bases, and the families of such persons, for domestic use between United States Post Offices in Leased Areas and between such Post Offices and other United States Post Offices and Post Offices in the Panama Canal Zone and the Philippine Islands.

## ARTICLE XVII.

**Taxation.**

(1) No member of the United States forces or national of the United States, serving or employed in the Territory in connection with the construction, maintenance, operation or defence of the Bases, and residing in the Territory by reason only of such employment, or his wife or minor children, shall be liable to pay income tax in the Territory except in respect of income derived from the Territory.

(2) No such person shall be liable to pay in the Territory any poll tax or similar tax on his person, or any tax on ownership or use of property which is inside a Leased Area, or situated outside the Territory.

(3) No person ordinarily resident in the United States shall be liable to pay income tax in the Territory in respect of any profits derived under a contract made in the United States with the Government of the United States in connection with the construction, maintenance, operation or defence of the Bases, or any tax in the nature of a licence in respect of any service or work for the United States in connection with the construction, maintenance, operation or defence of the Bases.

## ARTICLE XVIII.

**Businesses and Professions.**

Unless the consent of the Government of the Territory shall have been obtained—

- (1) no business shall be established in a Leased Area; but the institutions referred to in Article XIV (1) (c), offering goods, under a prohibition against re-

sale, exclusively to the persons mentioned in the said Article XIV (1) (c), shall not be regarded as businesses for the purposes of this Article;

- (2) no person shall habitually render any professional services in a Leased Area, except to, or for, the Government of the United States or the persons mentioned in Article XIV (1) (c).

#### ARTICLE XIX.

##### **Forces outside Leased Areas.**

(1) United States forces stationed or operating outside the Leased Areas under separate agreement with the Government of the United Kingdom or the Government of the Territory shall be entitled to the same rights and enjoy the same status as United States forces stationed within the Leased Areas.

(2) The United States shall be under no obligation to maintain forces outside the Leased Areas by virtue of any such agreement.

#### ARTICLE XX.

##### **Health Measures outside Leased Areas.**

The United States shall have the right, in collaboration with the Government of the Territory and, where necessary, with the Local Authority concerned, to exercise, without other consideration than just compensation to private owners, if any, such powers as such Government and Local Authority and the Government of the United Kingdom may possess of entering upon any property in the vicinity of the Leased Areas for the purpose of inspection, and of taking any necessary measures to improve sanitation and protect health.

## ARTICLE XXI.

**Abandonment.**

The United States may at any time abandon any Leased Area or any part thereof, without thereby incurring any obligation, but shall give to the Government of the United Kingdom as long notice as possible and in any case not less than one year, of its intention so to do. At the expiration of such notice the area abandoned shall revert to the Lessor. Abandonment shall not be deemed to have occurred in the absence of such notice.

## ARTICLE XXII.

**Removal of Improvements.**

The United States may at any time before the termination of a lease, or within a reasonable time thereafter, take away all or any removable improvements placed by or on behalf of the United States in the Leased Area or territorial waters.

## ARTICLE XXIII.

**Rights not to be Assigned.**

The United States will not assign or underlet or part with the possession of the whole or any part of any Leased Area, or of any right, power or authority granted by the Leases or this Agreement.

## ARTICLE XXIV.

**Possession.**

(1) On the signing of this Agreement, leases of the Leased Areas, substantially in the forms respectively set out in Annex II hereto, shall be forthwith executed, and

all rights, power, authority and control under such leases and under this Agreement (including transfer of possession where it shall not previously have been transferred) shall thereupon become effective immediately, and pending execution of such Leases they may be exercised **ad interim** and possession of the Leased Areas shall be immediately given so far as the location thereof is then ascertained. Where the precise location of a portion of any Leased Area is not ascertainable until more detailed descriptions are available, possession of such portion shall be given as rapidly as possible. This Article shall not require occupiers of buildings in a Leased Area to be removed from such buildings until reasonable notice to vacate has been given and expired, due regard being had to the necessity of obtaining alternative accommodation.

(2) The foregoing paragraph shall not apply in relation to the Bahamas, but a lease of the Leased Area therein, in terms similar to those of the leases set out in Annex II hereto, and subject to such special provisions as may be agreed to be required, will be granted to the United States of America as soon as the location of that area shall have been agreed, whereupon this Agreement shall apply thereto.

## ARTICLE XXV.

### **Reservations.**

(1) All minerals (including oil) and antiquities and all rights relating thereto and to treasure trove, under, upon or connected with the land and water comprised in the Leased Areas or otherwise used or occupied by the United States by virtue of this Agreement, are reserved to the Government and inhabitants of the Territory; but no rights so reserved shall be transferred to third parties, or exercised within the Leased Areas, without the consent of the United States.



(2) The United States will permit the exercise of fishing privileges within the Leased Areas in so far as may be found compatible with military requirements, and in the exercise of its rights will use its best endeavours to avoid damage to fisheries in the Territory.

#### ARTICLE XXVI.

##### **Special Provisions for Individual Territories.**

The provisions contained in Annex III hereto shall have effect in relation to the Territories to which they respectively appertain.

#### ARTICLE XXVII.

##### **Supplementary Leases.**

The United States may, by common agreement, acquire by supplementary lease for the unexpired period of the Lease granted in a Territory, such additional areas, sites and locations as may be found necessary for the use and protection of the Bases upon such terms and conditions as may be agreed, which shall, unless there are special reasons to the contrary, be on the basis of those contained in this Agreement.

#### ARTICLE XXVIII.

##### **Modification of this Agreement.**

The Government of the United States and the Government of the United Kingdom agree to give sympathetic consideration to any representations which either may make after this Agreement has been in force a reasonable time, proposing a review of any of the provisions of this Agreement to determine whether modifications in the light of experience are necessary or desirable. Any such modifications shall be by mutual consent.

## ARTICLE XXIX.

The United States and the Government of the Territory respectively will do all in their power to assist each other in giving full effect to the provisions of this Agreement according to its tenor and will take all appropriate steps to that end.

During the continuance of any Lease, no laws of the Territory which would derogate from or prejudice any of the rights conferred on the United States by the Lease or by this Agreement shall be applicable within the Leased Area, save with the concurrence of the United States.

## ARTICLE XXX

**Interpretation.**

In this Agreement, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“Lease” means a lease entered into in pursuance of the communications set out in Annex I hereto, and in relation to any Territory means a lease entered into in respect of an area therein.

“Leased Area” means an area in respect of which a lease is or will be entered into.

“Base” means a base established in pursuance of the said communications.

“Territory” means a part of His Majesty’s dominions in which a lease is entered into in pursuance of the communications set out in Annex I hereto; and “the Territory” means the Territory concerned.

“The United States Authorities” means the authority or authorities from time to time authorised or designated, by the Government of the United States of

America, for the purpose of exercising the powers in relation to which the expression is used.

“United States forces” means the naval and military forces of the United States of America.

“British subject” includes British protected person.

Signed in London in duplicate this twenty-seventh day of March, 1941.

On behalf of the Government of the United Kingdom of Great Britain and Northern Ireland:

WINSTON S. CHURCHILL.  
CRANBORNE.  
MOYNE.

On behalf of the Government of the United States of America:

JOHN G. WINANT.  
CHARLES FAHY.  
HARRY J. MALONY.  
HAROLD BIESEMEIER.

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#### ANNEX I.

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#### EXCHANGE OF NOTES REGARDING UNITED STATES DESTROYERS AND NAVAL AND AIR FACILITIES FOR THE UNITED STATES IN BRITISH TRANSATLANTIC TERRITORIES.

##### No. 1.

**The Marquess of Lothian to Mr. Cordell Hull.**

Sir,

Washington, September 2, 1940.

I have the honour, under instructions from His Majesty's

Principal Secretary of State for Foreign Affairs, to inform you that in view of the friendly and sympathetic interest of His Majesty's Government in the United Kingdom in the national security of the United States and their desire to strengthen the ability of the United States to co-operate effectively with the other nations of the Americas in the defence of the Western Hemisphere, His Majesty's Government will secure the grant to the Government of the United States, freely and without consideration, of the lease for immediate establishment and use of Naval and Air bases and facilities for entrance thereto and the operation and protection thereof, on the Avalon Peninsula and on the Southern coast of Newfoundland, and on the east coast and on the Great Bay of Burmuda.

Furthermore, in view of the above and in view of the desire of the United States to acquire additional Air and Naval bases in the Caribbean and in British Guiana, and without endeavouring to place a monetary or commercial value upon the many tangible and intangible rights and properties involved, His Majesty's Government will make available to the United States for immediate establishment and use Naval and Air bases and facilities for entrance thereto and the operation and protection thereof, on the Eastern side of the Bahamas, the Southern coast of Jamaica, the Western coast of St. Lucia, the West coast of Trinidad in the Gulf of Paria, in the Island of Antigua, and in British Guiana within fifty miles of Georgetown, in exchange for Naval and Military equipment and material which the United States Government will transfer to His Majesty's Government.

All of the bases and facilities referred to in the preceding paragraphs will be leased to the United States for a period of ninety-nine years free from all rent and charges other than such compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for loss by expropriation or

damage arising out of the establishment of the bases and facilities in question.

His Majesty's Government in the leases to be agreed upon will grant to the United States for the period of the leases all the rights, power and authority within the bases leased, and within the limits of the territorial waters and air spaces adjacent to or in the vicinity of such bases, necessary to provide access to and defence of such bases and appropriate provisions for their control.

Without prejudice to the above-mentioned rights of the United States authorities and their jurisdiction within the leased areas, the adjustment and reconciliation between the jurisdiction of the authorities of the United States within these areas and the jurisdiction of the authorities of the territories in which these areas are situated shall be determined by common agreement.

The exact location and bounds of the aforesaid bases, the necessary seaward, coast and anti-aircraft defences, the location of sufficient military garrisons, stores and other necessary auxiliary facilities shall be determined by common agreement.

His Majesty's Government are prepared to designate immediately experts to meet with experts of the United States for these purposes. Should these experts be unable to agree in any particular situation except in the case of Newfoundland and Bermuda, the matter shall be settled by the Secretary of State of the United States and His Majesty's Secretary of State for Foreign Affairs.

I have, &c.

LOTHIAN.

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## No. 2.

**Mr. Cordell Hull to the Marquess of Lothian.**

Excellency, Washington, September 2, 1940.

I have received your note of 2nd September, 1940, of which the text is as follows:—

[As in No. 1.]

I am directed by the President to reply to your note as follows:—

“The Government of the United States appreciates the declarations and the generous action of His Majesty’s Government, as contained in your communications, which are destined to enhance the national security of the United States and greatly to strengthen its ability to co-operate effectively with the other nations of the Americas in the defence of the Western Hemisphere. It therefore gladly accepts the proposals.

“The Government of the United States will immediately designate experts to meet with experts designated by His Majesty’s Government to determine upon the exact location of the Naval and Air bases mentioned in your communication under acknowledgment.

“In consideration of the declarations above quoted, the Government of the United States will immediately transfer to His Majesty’s Government fifty United States Navy Destroyers generally referred to as the twelve-hundred ton type.”

Accept, &c.

CORDELL HULL.

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### SCHEDULE B

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THIS INDENTURE of Lease made the                      day of June, nineteen hundred and forty-one between His Excellency Sir Humphrey Walwyn, K.C.S.I., K.C.M.G., C.B., D.S.O., Governor and Commander-in-Chief in and over the Island of Newfoundland and its Dependencies, in Commission, hereinafter referred to as the Newfoundland Government, of the first part, and the United States of America, of the other part.

WHEREAS by Notes exchanged on the second day of September, nineteen hundred and forty (copies of which are appended to the Agreement hereinafter referred to) between His Majesty's Ambassador at Washington and the Secretary of State of the United States of America, His Majesty's Government in the United Kingdom undertook to secure the grant to the United States of America of the lease of certain Naval and Air bases and facilities in certain localities, including Newfoundland, for a period of ninety-nine years, free from all rent and charges other than compensation to be mutually agreed on to be paid by the United States in order to compensate the owners of private property for loss by expropriation or damage arising out of the establishment of the said bases and facilities;

AND WHEREAS in furtherance of the said Notes an Agreement between the Government of the United Kingdom and the United States of America was signed on the

twenty-seventh day of March, nineteen hundred and forty-one;

AND WHEREAS in compliance with the undertaking of the Government of the United Kingdom hereinbefore referred to the Newfoundland Government has agreed to demise and lease the several pieces or parcels of land hereinafter described;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises the Newfoundland Government hath demised and leased and by these presents doth demise and lease unto the United States of America all those twelve several pieces or parcels of land (hereinafter referred to as the Leased Areas) described in the Schedule to these presents and delineated on the plans hereto annexed:

TO HAVE AND TO HOLD the same for the full end and term of ninety-nine years to begin and to be computed from the date of these presents free from the payment of all rent and charges other than compensation as aforesaid.

AND the United States of America agrees that it will not during the term hereby granted use the Leased Areas nor permit the use thereof except for the purposes specified and on the terms and conditions contained in the aforesaid Notes and Agreement, which are incorporated in and form part of these presents except such parts thereof as refer specially to territory other than Newfoundland.

## SCHEDULE.

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### ARGENTIA.

(1) Beginning Northwest of Placentia at the intersection of the shore line (at approximately mean tide) with North Latitude 47 degrees 15 minutes 54.945 seconds, said intersection being the principal point of beginning; thence due East approximately 145 feet to boundary marker "Triangulation Point Moll", a bronze centre punched disc marked "U.S. Navy Survey" at North Latitude 47 degrees 15 minutes 54.945 seconds, West Longitude 54 degrees 00 minutes 34.320 seconds; thence on a true bearing North 80 degrees 52 minutes 24.40 seconds East 6325.23 feet to a boundary marker "Triangulation Point Jack" a hole drilled in bed rock at North Latitude 47 degrees 16 minutes 04.847 seconds, West Longitude 53 degrees 59 minutes 03.760 seconds; thence on a true bearing North 52 degrees 52 minutes 08.33 seconds East 11,617.69 feet to boundary marker "Triangulation Point Clark" a hole drilled in bed rock at North Latitude 47 degrees 17 minutes 14.063 seconds West Longitude 53 degrees 56 minutes 49.410 seconds; thence on a true bearing North 34 degrees 42 minutes 06.75 seconds West 6760.17 feet to boundary marker "Triangulation Point Broad" a bronze centre punched disc marked "U.S. Navy Survey" at North Latitude 47 degrees 18 minutes 08.917 seconds, West Longitude 53 degrees 57 minutes 45.230 seconds; thence due West approximately 20 feet to the intersection of North Latitude 47 degrees 18 minutes 08.917 seconds with the shore line of Argentia Harbour; thence along the shore line to the principal point of beginning; including therein the peninsula of Argentia lying between Little Placentia (Argentia) Harbour and Placentia Bay. An area of approximately 3392.0 acres. There is reserved from the foregoing all those areas, contained within a right-of-way of

the Newfoundland Railway, its wharf, property and station at Argentia, as may be mutually determined to be essential to the operation of the said Railway: Provided that there shall be granted to the United States across such reserved areas, such rights of way for vehicles, animals and persons, and rights to install and maintain drains, pipes and culverts, electric power and light and telephone lines and similar utilities, as may be mutually agreed to be necessary and as will not unreasonably interfere with the operation of the said railway.

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QUIDI VIDI.

(2) Parcel No. 1: Starting at a point herein designated as point "A" which is the intersection of the north line of "The Boulevard" and the west line of "East White Hills Road" said point being the principal point of beginning thence along the westerly line of East White Hills Road North 38 degrees 49 minutes 12.85 seconds West 219.19 feet, North 44 degrees 05 minutes 20.74 seconds West 143.22 feet, North 31 degrees 46 minutes 03.55 seconds West 102.19 feet, North 41 degrees 07 minutes 53.62 seconds West 135.85 feet, North 16 degrees 15 minutes 23.47 seconds West 236.27 feet, North 09 degrees 23 minutes 48.87 seconds West 126.72 feet, North 02 degrees 56 minutes 21.02 seconds West 50.32 feet, North 07 degrees 22 minutes 59.89 seconds West 257.26 feet, North 01 degrees 52 minutes 40.73 seconds West 180.04 feet, North 23 degrees 00 minutes 55.61 seconds West 221.83 feet, North 41 degrees 47 minutes 23.09 seconds West 356.71 feet, North 60 degrees 48 minutes 50.39 seconds West **110.12 feet**, North 52 degrees 46 minutes 56.23 seconds West 108.72 feet, North 41 degrees 06 minutes 06.96 seconds West 68.03 feet, North 23 degrees 23 minutes 55.67 seconds West 151.81 feet, North 39 degrees 12 minutes 20.09 seconds West 137.07 feet, North 26 degrees 41 minutes 44.85 seconds West 127.39



feet, North 40 degrees 02 minutes 00.00 seconds West 125.62 feet, North 32 degrees 13 minutes 43.02 seconds West 147.46 feet to a point herein designated as point "T" which is at the intersection of "East White Hills Road" and "White Hills Road"; thence South 67 degrees 40 minutes 30.12 seconds West 366.61 feet; thence South 41 degrees 05 minutes 04.78 seconds West 1547.82 feet to a point herein designated as point "V" which is in the thread of a small stream; thence westerly on a meandering line along the thread of said stream to a point which is South 84 degrees 58 minutes 40.07 seconds West 847.43 feet from point "V"; thence South 32 degrees 40 minutes 23.87 seconds East 255.70 feet; thence South 56 degrees 55 minutes 25.49 seconds West 600.64 feet; thence South 61 degrees 50 minutes 25.21 seconds West 420.25 feet; thence South 40 degrees 00 minutes 27.87 seconds West 316.41 feet; thence South 36 degrees 20 minutes 23.78 seconds West 213.21 feet; thence South 36 degrees 28 minutes 15.60 seconds East 1662.07 feet partly along the easterly line of "Ross Road" to the intersection of the easterly line of said "Ross Road" and the northerly line of "The Boulevard"; thence along the northerly line of "The Boulevard" North 63 degrees 00 minutes 27.45 seconds East 636.81 feet, North 57 degrees 06 minutes 47.62 seconds East 799.42 feet, North 57 degrees 37 minutes 29.85 seconds East 209.32 feet, North 71 degrees 49 minutes 44.02 seconds East 723.80 feet, North 81 degrees 56 minutes 16.20 seconds East 918.38 feet to a point herein designated as "H-H"; thence North 77 degrees 56 minutes 38.07 seconds East 291.86 feet, North 72 degrees 03 minutes 45.09 seconds East 295.38 feet, South 86 degrees 20 minutes 06.68 seconds East 162.39 feet to the principal point of beginning. An area of approximately 191.0 acres.

Parcel No. 2: Being an area along Quidi Vidi Cove described as follows:— Starting at boundary point "A" as described above in Parcel No. 1 thence South 50 de-

grees 10 minutes 11.12 seconds East 338.93 feet to the principal point of beginning; thence North 73 degrees 27 minutes 28.47 seconds East 145.62 feet; thence North 27 degrees 34 minutes 22.05 seconds East 152.00 feet; thence South 60 degrees 45 minutes 37.95 seconds East 597.40 feet; thence South 16 degrees 19 minutes 04.24 seconds East 453.67 feet; thence South 60 degrees 02 minutes 41.92 seconds West 155.57 feet to a point on the shore line of Quidi Vidi Cove herein designated as point "U-U"; thence along the easterly shore line of Quidi Vidi Cove and the stream connecting Quidi Vidi Lake and Cove to a point on the northwest corner of the bridge over said stream, said point being North 59 degrees 27 minutes 53.87 seconds West 833.57 feet from point "U-U"; thence North 39 degrees 35 minutes 40.25 seconds West 127.34 feet to the principal point of beginning. An area of approximately 7.0 acres.

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#### QUIDI VIDI LAKESIDE.

(3) Being a Beach area on the south side of "The Boulevard" along Quidi Vidi Lake described as follows:— Starting at boundary point "H-H" as described in **Parcel No. 1** above thence South 8 degrees 03 minutes 43.80 seconds East 45 feet to the principal point of beginning "K-K"; thence North 77 degrees 56 minutes **38.07 seconds East 138.44** feet; thence South 12 degrees 3 minutes 21.93 seconds East 23.5 feet to a point designated as "M-M" on the north shore of Quidi Vidi Lake; thence south westerly along the shore of said Lake to a point which is South 68 degrees 30 minutes 38.93 seconds West 304.65 feet from point "M-M"; thence North 11 degrees 29 minutes 10.00 seconds West 83.50 feet; thence North 81 degrees 56 minutes 16.20 seconds East 161.56 feet to the principal point of beginning. An area of approximately .36 acres.

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## WHITE HILLS.

(4) Parcel No. 1: Being an area to be used as a Water Supply Reservoir and described as follows:— Starting at the northeast boundary point “T” of the St. John’s Army Post thence North 14 degrees 37 minutes 33.69 seconds East 739.38 feet to a point designated as “Road”, said point being on the west line of White Hills Road and on the centre line of the right-of-way to the Radio Tower Area described as Parcel No. 2 below; thence North 1 degree 27 minutes 41.43 seconds West 31.43 feet to the principal point of beginning; thence along the west line of White Hills Road North 1 degree 27 minutes 41.43 seconds West 200 feet; thence North 88 degrees 32 minutes 18.57 seconds East 200 feet; thence South 1 degree 27 minutes 41.43 seconds East 137.46 feet; thence South 71 degrees 10 minutes 28.57 seconds West 209.55 feet to the principal point of beginning. An area of approximately .77 of an acre.

Parcel No. 2: Being a right-of-way to the Radio Tower area 60 feet wide, the centre line of which is described as follows:—Starting at point “Road” as described in Parcel No. 1 above, said point being the principal point of beginning thence North 71 degrees 10 minutes 28.57 seconds East 583 feet to point R-3; thence North 82 degrees 31 minutes 31.91 seconds East 739 feet; thence South 83 degrees 00 minutes 04.76 seconds East 227 feet to a point designated as “R-5”, said point being in the boundary line of the Radio Tower area described as Parcel No. 4 below. An area of approximately 2.16 acres.

Parcel No. 3: Being an area to be used as a location for Dog Kennels and described as follows:— Starting at point “R-3” as described in Parcel No. 2 above thence South 27 degrees 08 minutes 31.43 seconds East 31.86 feet to the principal point of beginning; thence South 27 degrees 08 minutes 31.43 seconds East 318.59 feet; thence North 82 degrees 31 minutes 31.91 seconds East 300 feet;

thence North 7 degrees 28 minutes 28.09 seconds West 300 feet; thence South 82 degrees 31 minutes 31.91 seconds West 407.22 feet to the principal point of beginning. An area of approximately 2.44 acres.

Parcel No. 4: Being a parcel of land to be used as a Radio Tower area and described as follows:— Starting at a point “R-5” as described in Parcel No. 2 above, said point being the principal point of beginning thence South 16 degrees 31 minutes 58.57 seconds West 417.0 feet; thence South 85 degrees 58 minutes 18.09 seconds East 500.0 feet; thence North 16 degrees 55 minutes 54.91 seconds East 1643.0 feet; thence North 87 degrees 07 minutes 36.62 seconds West 798.0 feet; thence South 2 degrees 59 minutes 46.23 seconds West 1178.51 feet to the principal point of beginning. An area of approximately 22.2 acres.

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#### STEPHENVILLE.

(5) Parcel No. 1: Starting at a concrete monument set at the intersection of the south line of the Aguathuna-Stephenville Crossing Road and the east line of the first road east of Stephenville said monument being the principal point of beginning; thence along the easterly line of the second mentioned road North 14 degrees 36 minutes 29.34 seconds East 817.475 feet; thence North 33 degrees 35 minutes 25.33 seconds East 2494.573 feet to a point herein designated as point “C”; thence South 67 degrees 22 minutes 31.45 seconds East 512.639 feet; thence South 84 degrees 41 minutes 51.01 seconds East 172.225 feet; thence North 75 degrees 38 minutes 56.58 seconds East 564.854 feet; thence South 68 degrees 39 minutes 58.52 seconds East 388.376 feet; thence North 89 degrees 13 minutes 38.96 seconds East 655.989 feet; thence South 69 degrees 18 minutes 32.03 seconds East 131.682 feet; thence South 59 degrees 29 minutes 56.86 seconds East 320.377 feet; thence South

75 degrees 17 minutes 14.44 seconds East 188.127 feet; thence North 85 degrees 32 minutes 26.86 seconds East 186.240 feet; thence North 81 degrees 32 minutes 11.93 seconds East 364.761 feet; thence South 62 degrees 03 minutes 22.26 seconds East 410.996 feet; thence South 44 degrees 02 minutes 41.6 seconds East 71.733 feet; thence South 84 degrees 54 minutes 30.00 seconds East 1,431.07 feet; thence along the arc of a curve that bears to the right 335.768 feet, the radius of said curve being 377.28 feet with a deflection angle of 50 degrees 59 minutes 29.10 seconds; thence South 33 degrees 55 minutes 00.90 seconds East 441.188 feet; thence along the arc of a curve that bears to the right 434.78 feet, the radius of said curve being 922.37 feet with a deflection angle of 27 degrees 00 minutes 28.75 seconds; thence South 6 degrees 54 minutes 32.15 seconds East 380.06 feet; thence along the arc of a curve that bears to the left 554.67 feet, the radius of said curve being 988.37 feet, with a deflection angle 32 degrees 19 minutes 13.31 seconds; thence South 41 degrees 37 minutes 32.15 seconds East 119.754 feet; thence South 45 degrees 46 minutes 25.82 seconds West 634.077 feet; thence South 78 degrees 17 minutes 04.04 seconds West 293.987 feet; thence South 00 degrees 11 minutes 19.21 seconds West 155.183 feet; thence South 25 degrees 55 minutes 11.74 seconds West 3917.080 feet; thence South 51 degrees 33 minutes 24.30 seconds West 1156.323 feet to a point designated as point "AA"; thence South 51 degrees 33 minutes 24.30 seconds West 75 feet to the shore line of St. George's Bay; thence north westerly along the shore line; thence North 15 degrees 45 minutes 43.23 seconds East 75 feet to a point which is North 52 degrees 13 minutes 07.03 seconds West 5960.736 feet from point "AA"; thence North 15 degrees 45 minutes 43.23 seconds East 1057.049 feet to the principal point of beginning. An area of approximately 865 acres.

Parcel No. 2: Being a parcel of land to be used as a site for a Reservoir described as follows:— Starting at



point "C" as described in Parcel No. 1 above thence North 18 degrees 06 minutes 07.24 seconds East 2993 feet to a point designated as point "Reservoir", said point being the principal point of beginning; thence North 66 degrees 45 minutes East 200 feet; thence North 23 degrees 15 minutes West 200 feet; thence South 66 degrees 45 minutes West 200 feet; thence South 23 degrees 15 minutes East 200 feet to the principal point of beginning. An area of approximately 0.9 of an acre.

Parcel No. 3: Being a parcel of land to be used as a site for a Pumping Station and described as follows:— Starting at point "Reservoir", as described in Parcel No. 2 above, thence South 53 degrees 03 minutes 44.13 seconds East 1689 feet to the principal point of beginning; thence due East 200 feet; thence due North 250 feet; thence due West 200 feet; thence due South 250 feet to the principal point of beginning. An area of approximately 1.1 acres.

Including also the right to lay and maintain buried water supply lines, and to erect and maintain power and telephone lines across the intervening land between the Pumping Station, the Reservoir site and the reservation as described in Parcel No. 1 above.

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#### SIGNAL HILL BATTERY.

(6) Starting from a point at the intersection of the centre lines of Signal Hill Road and Middle Battery Road thence along Middle Battery Road South 44 degrees 17 minutes 41.3 seconds East 268.11 feet; thence South 54 degrees 09 minutes 41.3 seconds East 295.03 feet; thence South 44 degrees 02 minutes 31.3 seconds East 33.49 feet to the principal point of beginning; thence South 34 degrees 58 minutes 07.3 seconds West 108.63 feet; thence South 33 degrees 11 minutes 09.4

seconds West 39.71 feet to a point herein designated as point "A" on the north shore line of St. John's Harbour; thence south easterly along the shore line to a point which is South 70 degrees 35 minutes 06.8 seconds East 1033.92 feet from aforesaid point "A" thence North 53 degrees 23 minutes 41.7 seconds East 42.03 feet; thence North 56 degrees 03 minutes 58.3 seconds West 73.53 feet; thence North 56 degrees 47 minutes 41.70 seconds West 216.58 feet; thence North 59 degrees 08 minutes 42.40 seconds West 141.69 feet; thence North 67 degrees 29 minutes 58.10 seconds West 55.40 feet; thence North 77 degrees 38 minutes 15.7 seconds West 86.60 feet; thence North 84 degrees 37 minutes 37.00 seconds West 135.63 feet; thence North 69 degrees 33 minutes 18.2 seconds West 148.49 feet; thence North 55 degrees 24 minutes 34.2 seconds West 183.55 feet to the principal point of beginning. An area of approximately 2.5 acres.

IN WITNESS WHEREOF

The Great Seal of the Island of Newfoundland has been affixed to these presents at St. John's in the Island aforesaid.

By His Excellency's Command.

**Commissioner for Home Affairs.**

And the United States of America has caused these presents to be executed on its behalf by

the day and the year first above written.

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AN ACT TO MAKE TEMPORARY PROVISION FOR  
AN EXPORT LEVY UPON SALT CODFISH PRO-  
DUCED DURING 1941.

[30th June, 1941]

SECTION

- 1.—Interpretation.
- 2.—Levy per quintal on ex-  
port of salt codfish.
- 3.—(1) Particulars to be fur-  
nished and levy paid  
in respect of salt cod-  
fish exported before  
passing of this Act.  
(2) Levy in respect of  
salt codfish exported

SECTION

- after passing of this  
Act payable to Col-  
lector of Customs at  
port of exportation.
- 4.—Establishment of Salt Cod-  
fish Marketing Trust Fund.
- 5.—Disposal of Fund: Proviso  
regarding expiry of Act.
- 6.—Short title.

**Be it enacted by the Governor, by and with the advice of A.D. 1941.  
the Commission of Government, as follows:**

**1. In this Act—**

**Interpretation.**

- (a) “licensed exporter” shall mean an exporter of salt  
codfish holding an annual licence under the Fisher-  
ies Board Act, 1936.
- (b) “Commissioner” shall mean the Commissioner for  
Natural Resources.

**2. There shall be paid by every licensed exporter** <sup>Levy per</sup>  
**in respect of salt codfish produced from fish caught dur-** <sup>quintal on</sup>  
**ing the calendar year 1941 and exported by him the** <sup>export of</sup>  
**following—** <sup>salt codfish.</sup>

the sum of fifty cents for every quintal of  
dried shore cure codfish, and

the sum of fifty cents for every quintal of  
Labrador cure codfish, and

the sum of forty cents for every quintal of heavy salted salt bulk codfish, and

the sum of twenty-five cents for every quintal of shore style salted salt bulk codfish.

Particulars to be furnished and levy paid in respect of salt codfish exported before passing of this Act.

**3.—**(1) Every licensed exporter who before the passing of this Act has exported salt codfish produced from fish caught during the calendar year 1941 shall, on or before the first day of August, 1941, furnish to the Secretary of Customs at St. John's or to the Collector of Customs at the port of exportation particulars in writing of the quantities of such codfish so exported and the dates of exportation thereof and shall, on or before the said date, pay to the said Secretary or Collector of Customs in respect of all such codfish so exported the sums set forth in Section 2 of this Act.

Levy in respect of salt codfish exported after passing of this Act payable to Collector of Customs at port of exportation.

(2) In respect of all salt codfish produced from fish caught during the calendar year 1941 and exported after the passing of this Act the sums set forth in Section 2 of this Act shall be paid by the licensed exporter who exports the codfish to the Collector of Customs at the port of exportation and prior to the exportation thereof and unless such payment is made in full by the licensed exporter at the time of lodging the relevant export entry for such codfish the Collector of Customs shall refuse to accept such entry.

Establishment of Salt Codfish Marketing Trust Fund.

**4.** There shall be established a fund to be known as the Salt Codfish Marketing Trust Fund which shall be administered by the Commissioner or by such person or persons as may from time to time be appointed by the Governor in Commission, and there shall be paid into the said fund from time to time by the Commissioner from moneys provided by the Commission of Government amounts equivalent to the sums paid by licensed exporters under Section 2 of this Act.

**5.** The amounts paid into the fund established under Section 4 of this Act shall be disposed of in such manner as may be directed by any enactment for the purpose of fixing minimum prices for salt codfish produced from fish caught in the calendar year 1941 and exported by licensed exporters: Provided that, if no such enactment shall have been made prior to the thirty-first day of December, 1941, this Act shall on that date expire and the amounts paid by licensed exporters under Section 2 of this Act shall thereupon be repaid to them from the said fund.

**6.** This Act may be cited as The Salt Codfish Temporary Levy Act, 1941.

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1941 **Railway Employees' Welfare Association, No. 14**  
**Limited, Loan Act**

AN ACT TO GUARANTEE A LOAN BY THE NEW-  
FOUNDLAND SAVINGS BANK TO THE RAIL-  
WAY EMPLOYEES' WELFARE ASSOCIATION,  
LIMITED.

[14th July, 1941]

SECTION

- 1.—Amount of loan authoriz-  
ed.  
2.—Repayment of loan.

SECTION

- 3.—Guarantee of loan by  
Governor in Commission.

WHEREAS the Railway Employees' Welfare Association, Limited, a Society registered under the Industrial and Provident Societies Act, 1919, and Acts in amendment thereof, is indebted to the Government of Newfoundland for moneys advanced by the Government to the Association during the financial years 1934-35 and 1935-36 in connection with the latter's housing scheme in St. John's West, which advances bear interest at the rate of three and one-half per centum per annum;

AND WHEREAS at the date of the 31st day of May, A.D. 1941, the amount owing to the Government of Newfoundland by the said Association in respect of the said advances and interest thereon is One hundred and twenty-seven thousand nine hundred and sixteen dollars and thirty-seven cents (\$127,916.37);

AND WHEREAS at the date of the 31st day of May, A.D. 1941, the said Association is also indebted to the Newfoundland Savings Bank in the sum of Twenty-one thousand five hundred dollars (\$21,500.00) being the balance of the loan outstanding and guaranteed under the terms of the Act No. 16 of 1937 and repayable by monthly payments of not less than One thousand five hundred dollars (\$1,500.00);

AND WHEREAS the Association has applied to the Newfoundland Savings Bank for a further loan of One hundred and twenty-seven thousand nine hundred and sixteen dollars and thirty-seven cents (\$127,916.37) for the purpose of the repayment in full of all principal moneys and interest thereon due to the Government of Newfoundland in respect of its advances to the Association;

AND WHEREAS the Newfoundland Savings Bank has agreed to make this further advance of One hundred and twenty-seven thousand nine hundred and sixteen dollars and thirty-seven cents (\$127,916.37) upon the security of the property of the Association and upon having the repayment of the said principal sum of One hundred and twenty-seven thousand nine hundred and sixteen dollars and thirty-seven cents (\$127,916.37) and interest thereon at the rate of three and one-half per centum per annum guaranteed by the Government of Newfoundland;

AND WHEREAS the Government of Newfoundland has agreed to guarantee the repayment of the said loan of One hundred and twenty-seven thousand nine hundred and sixteen dollars and thirty-seven cents (\$127,916.37) to the Newfoundland Savings Bank in the manner hereinafter stated;

**Be it therefore enacted by the Governor, by and with the A.D. 1941.**  
**advice of the Commission of Government, as follows:**

1. It shall be lawful for the Newfoundland Savings Bank to lend to the Railway Employees' Welfare Association, Limited, the sum of One hundred and twenty-seven thousand nine hundred and sixteen dollars and thirty-seven cents (\$127,916.37) further to the sum of Twenty-one thousand five hundred dollars (\$21,500.00) hereinbefore referred to. <sup>Amount of loan authorized.</sup>

Repayment  
of loan.

**2.** The sum of one hundred and twenty-seven thousand nine hundred and sixteen dollars and thirty-seven cents (\$127,916.37) referred to in Section 1 hereof shall be repayable as follows:—

- (a) By **monthly payments** of not less than five hundred dollars (\$500.00) together with interest at the rate of three and one-half per centum per annum on so much of the principal sum of One hundred and twenty-seven thousand nine hundred and sixteen dollars and thirty-seven cents (\$127,916.37) as from time to time remains outstanding, the said monthly payments and interest to be made on or before the last day of every month commencing with the last day of June, 1941; and
- (b) From and after the payment off in full of the said balance of Twenty-one thousand five hundred dollars (\$21,500.00) with interest thereon, in accordance with the terms of the Act No. 16 of 1937, by monthly payments of not less than Two thousand dollars (\$2,000.00) together with interest at the rate of three and one-half per centum per annum on so much of the principal sum as from time to time remains outstanding, the said monthly payments and interest to be paid on or before the last day of every month commencing with the last day of every month and continuing until the whole of the said principal sum, together with interest as aforesaid, is fully paid and satisfied.

Guarantee of  
loan by  
Governor in  
Commission.

**3.** The Governor in Commission shall have power to guarantee and shall in writing guarantee to the Newfoundland Savings Bank the payment of the monthly principal sums and of the interest aforesaid, and if the Railway Employees' Welfare Association, Limited, shall fail to pay any of the said sums or any interest forthwith upon the

same becoming due, the Governor in Commission shall cause the same to be paid to the Newfoundland Savings Bank out of the Consolidated Revenue Fund and shall be entitled to claim over against the Railway Employees' Welfare Association, Limited, for any moneys so paid on its behalf.

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1941 Labrador Mining and Exploration Company, No. 15  
Limited, Act

AN ACT TO AMEND THE ACT NO. 41 OF 1938 ENTITLED "AN ACT FOR THE CONFIRMATION OF AN AGREEMENT BETWEEN THE GOVERNMENT AND LABRADOR MINING AND EXPLORATION COMPANY, LIMITED".

[14th July, 1941]

SECTION

- 1.—Amendment Clause 3 of Agreement.
- 2.—Exemption from provisions of Clause 4 of Agreement during 1941.
- 3.—Company to comply with provisions of Clause 6 of Agreement.
- 4.—Exemption from provisions of Clause 8 of Agreement

SECTION

- during 1941.
- 5.—Exemption from provisions of Clause 12 of Agreement respecting 1941.
- 6.—Deletion and substitution Clause 15 of Agreement.
- 7.—Amendment Clause 18 of Agreement.
- 8.—Amendment Clauses 19 and 20 of Agreement.

WHEREAS by the Agreement forming the Schedule to the Act No. 41 of 1938 entitled "An Act for the confirmation of an Agreement between the Government and Labrador Mining and Exploration Company, Limited" the said Company became bound during the year 1938 and in each succeeding calendar year during the term of the said Agreement to conduct or cause to be conducted the examination, survey and development of an area in Labrador in the said Agreement described and in the year 1939 and in each succeeding year during the said term to spend or cause to be spent the sum of at least fifty thousand dollars in connection with the said work as in the said agreement more particularly provided;

AND WHEREAS the present war has rendered the performance by the Company of its obligations in this behalf difficult and uneconomical;

AND WHEREAS the Company has on this ground applied to the Government for a suspension of such obliga-



tions in respect of the calendar year 1941 and an extension of the term of the said Agreement until the 31st day of December, 1946;

AND WHEREAS the Government deems it expedient to grant such suspension and extension;

Be it, therefore, enacted by the Governor, by and with the advice of the Commission of Government, as follows:

1. Clause 3 of the said Agreement is hereby amended by striking out the figures "1945" appearing therein and substituting therefor the figures "1946".

Amendment  
Clause 3 of  
Agreement.

2. The company shall, in respect of the calendar year 1941, be exempt from the obligation imposed upon it by Clause 4 of the said Agreement.

Exemption  
from  
provisions of  
Clause 4 of  
Agreement  
during 1941.

3. Notwithstanding the exemptions granted to the Company hereunder, the Company shall comply with the obligation imposed upon it by Clause 6 of the said Agreement to make the report required under the said Clause to be made on or before the 31st day of March, A.D. 1942.

Company to  
comply with  
provisions of  
Clause 6 of  
Agreement.

4. The Company shall, in respect of the year 1941, be exempt from the obligation imposed upon it by Clause 8 of the said Agreement.

Exemption  
from provisions  
of Clause 8 of  
Agreement  
during 1941.

5. The Company shall be exempt from the obligation imposed upon it by Clause 12 of the said Agreement to cause to be given to the Government on or before the first day of May, 1941, the proof required under the said Clause in respect of the year 1941.

Exemption  
from provisions  
of Clause 12 of  
Agreement  
respecting  
1941.

6. Clause 15 of the said Agreement is hereby deleted and the following substituted therefor:

Deletion and  
substitution  
Clause 15 of  
Agreement.

1941 Labrador Mining and Exploration Company, No. 15  
Limited, Act

15. The Company shall for each calendar year except the calendar year 1941 submit to the Government yearly accounts showing the expenditure that has been incurred in connection with the work of survey, examination and development. The accounts for the calendar years 1939, 1940, 1942, 1943, 1944 and 1945 shall be submitted on or before the first day of May in the year next succeeding each of the said years and the account for the calendar year 1946 shall be submitted on or before the 31st day of December, 1946.

Amendment  
Clause 18 of  
Agreement.

7. Clause 18 of the said Agreement is hereby amended by striking out the following:

“The area defined in Clause 4 and to be subject to examination, survey and development shall be reduced on the 31st day of March, 1940, by fifteen per cent. and on the same date in each succeeding year up to and including the 31st day of March, 1945, by fifteen per cent. as follows:”

and substituting therefor the following:

“The area defined in Clause 4 and to be subject to examination, **survey** and development shall be reduced on the 31st day of March, 1940, by fifteen per cent and on the same date in each succeeding year, except in the calendar year 1941, up to and including the 31st day of March, 1946, by fifteen per cent as follows:”

Amendment  
Clauses 19 and  
20 of  
Agreement.

8. Clauses 19 and 20 of the said Agreement are hereby amended by striking out the figures “1945” wherever they appear therein and substituting therefor the figures “1946”.

AN ACT TO AMEND THE ACT 23 AND 24 GEORGE  
V, CHAPTER 39 ENTITLED "AN ACT RELATING  
TO THE SALE OF ARTIFICIAL FERTILIZERS"

[18th July, 1941]

SECTION

- 1.—Amdt. Sec. 1.  
2.—Repeal Sec. 3.

SECTION

- 3.—Repeal and substitution  
Sec. 5.

Be it enacted by the Governor, by and with the advice A.D. 1941.  
of the Commission of Government, as follows:—

1. Paragraph (h) of Section 1 of the Act 23 and 24 Amdt. Sec. 1  
George V, Chapter 39, entitled "An Act relating to the  
sale of Artificial Fertilizers" is hereby amended by de-  
leting the symbol "(K.O.)" and substituting therefor the  
symbol "(K<sup>2</sup> O)".

2. Section 3 of the said Act is hereby repealed Repeal Sec. 3.

3. Section 5 of the said Act is hereby repealed and the Repeal and  
substitution  
Sec. 5.  
following substituted therefor:

5. The Chairman of the Board of Customs shall  
cause to be furnished to the Secretary for Rural Re-  
construction a note of every shipment of fertilizer  
entered inward through the Customs stating the  
name of the importer the quantity imported and  
the description thereof.

AN ACT FURTHER TO AMEND CHAPTER 35 OF  
THE CONSOLIDATED STATUTES (THIRD SER-  
IES) ENTITLED "OF THE POSTAL AND TELE-  
GRAPH SERVICES".

[4th August, 1941]

SECTION

- 1.—Amendment Sec. 20: Post-  
age rates.
- 2.—Repeal and substitution  
Sec. 23: Miscellaneous  
postage rates.
- 3.—Repeal and substitution

SECTION

- Sec. 25: Postage rate  
on newspapers and peri-  
odical publications other  
than newspapers.
- 4.—Date of coming into oper-  
ation.

A.D. 1941.

**Be it enacted by the Governor, by and with the advice  
of the Commission of Government, as follows:**

Amendment  
Sec. 20:  
Postage rates.

1. Section 20 of Chapter 35 of the Consolidated Statutes (Third Series) entitled "Of the Postal and Telegraph Services" as enacted by Section 1 of Chapter 23 of the Act 22 George V (Second Session) and amended by Section 1 of Chapter 56 of the Act 23 and 24 George V is hereby further amended by striking out from paragraph (a) of subsection (1) the words "two cents" and substituting therefor the words "three cents".

Repeal and  
substitution  
Sec. 23:  
Miscellaneous  
postage rates.

2. Section 23 of the said Chapter 35 as enacted by Section 2 of the said Chapter 23 is hereby repealed and the following substituted therefor:—

23.—(1) Subject to the provisions of Section 25 hereinafter set forth, the rate of postage upon newspapers and periodical publications other than newspapers, mailed to addresses in Newfoundland, shall be two cents for every four ounces or fraction thereof.

(2) The rate of postage upon printed matter, not being newspapers or periodical publications other than news-

papers, mailed to addresses in Newfoundland, shall be two cents for every two ounces or fraction thereof.

(3) Books, pamphlets, occasional publications, printed circulars, hand bills, book and newspaper manuscript, printers' proof sheets whether corrected or not, maps, prints, drawings, engravings, lithographs, photographs (when not on glass or in cases containing glass), sheet music whether printed or written, patterns or samples of goods or merchandise shall for the purpose of subsection (2) of this section be deemed to be printed matter.

(4) In any case of doubt as to whether a newspaper or periodical publication other than a newspaper or whether other printed matter is of the class to which any rate of postage provided under this section applies, the Commissioner for Finance may decide the matter by order in writing in respect of that particular class.

3. Section 25 of the said Chapter 35 as enacted by Section 4 of the said Chapter 23 and amended by Section 3 of the said Chapter 56 is hereby repealed and the following substituted therefor:

Repeal and  
substitution  
Sec. 25:  
Postage rate  
on newspapers  
and periodical  
publications  
other than  
newspapers.

25.—(1) The rate of postage upon newspapers in packages weighing ten pounds or more, mailed by the publisher in the post office at the place of publication to addresses in Newfoundland, shall be one cent per pound weight or fraction thereof, subject to the provisions of this section hereinafter contained.

(2) The rate of postage upon periodical publications other than newspapers in packages weighing five pounds or more, mailed by the publisher in the post office at the place of publication to addresses in Newfoundland, shall be five cents per pound weight or fraction thereof, subject to the provisions of this section hereinafter contained.



(3) The rate of postage upon newspapers provided by subsection (1) of this section shall be applied to such newspapers only as are issued regularly at intervals of not more than one month, and which in compliance with regulations made hereunder, shall consist wholly or in the greater part of general news and current topics and articles relative thereto.

(4) The rate of postage upon periodical publications other than newspapers provided by subsection (2) of this section shall be applied to such periodical publications as are issued regularly at intervals of not more than one month, and which in compliance with regulations made hereunder, shall contain a substantial proportion of general news and current topics and articles relative thereto, though not consisting wholly or in the greater part of such news, topics and articles.

(5) The rates of postage provided in this section shall apply only to a newspaper or periodical publication other than a newspaper which—

(a) has the full title, place and date of publication and the distinguishing number of the issue printed thereon and also on any paper, print, lithograph or engraving purporting to be a supplement to such newspaper or other periodical publication and sent with it; and

(b) is mailed by the publisher in the post office at the place where it is published and addressed to a regular bona fide subscriber or to a known news-dealer in Newfoundland resident elsewhere than in the place of publication.

(6) The Commissioner for Finance may by regulation—

(a) define the classes of items which are to be regarded as general news, current topics and articles

relative thereto for the purpose of subsection (3) and subsection (4) of this section;

- (b) prescribe the minimum proportion of space to be given in any newspaper to general news, current topics and articles relative thereto, as defined by regulations hereunder, in order that such newspaper shall be held to come within the provision of subsection (3) of this section;
- (c) prescribe the maximum and minimum proportions of space to be given, in any periodical publication other than a newspaper, to general news, current topics and articles relative thereto, as defined by regulations hereunder, in order that such periodical publication shall be held to come within the provisions of subsection (4) of this section;
- (d) prescribe the conditions under which newspapers and periodical publications other than newspapers may be accepted by a post office;
- (e) provide for the establishment and keeping by the Department of Posts and Telegraphs of a register for such class or classes of publications as he may decide;
- (f) provide for all matters necessary or incidental to carrying out or giving effect to the provisions of this section; and
- (g) amend or repeal regulations made hereunder or under the section hereby repealed.

(7) All regulations made under this section shall be published in the Newfoundland Gazette, and shall have effect as from the date of such publication or such later date as shall be provided therein.

(8) In any case of doubt as to whether a newspaper or periodical publication other than a newspaper is of the class to which any rate of postage provided under this section applies, the Commissioner for Finance may decide the matter by order in writing in respect of that particular case.

Date of coming  
into operation.

4. The foregoing sections of this Act shall be deemed to have effect as follows:—

- (a) Sections 1 and 2 as from midnight on the 3rd day of July, 1940.
  - (b) Section 3 as from midnight on the date of the passing of this Act.
-

AN ACT FURTHER TO AMEND THE CROWN LANDS  
ACT, 1930.

[28th July, 1941]

SECTION

1.—Repeal of part of Sec. 8.  
2.—New Sec. 8A: grants

SECTION

and leases of Crown  
Lands.

**Be it enacted by the Governor, by and with the advice of A.D. 1941.  
the Commission of Government, as follows:**

**1.** The last paragraph of Section 8 of The Crown Lands Act, 1930, as amended by the Act No. 35 of 1940, is here-  
by repealed. Repeal of part  
of Sec. 8.

**2.** There shall be added to the said Act as Section 8A the following: New Sec. 8A:  
grants and  
leases of Crown  
Lands.

8A—(1) The Commissioner for Natural Resources may issue a grant in fee simple to any person of an area of Crown Lands not exceeding ten acres to any one person in any one locality at a price of not less than twenty-five dollars per acre, and subject to such terms and conditions as the Commissioner for Natural Resources may deem fit.

(2) The Commissioner for Natural Resources may issue a lease to any person of an area of Crown Lands not exceeding fifty acres to any one person in any one locality for such period and upon such terms and conditions and subject to the payment of such rents, royalties or other charges as the Commissioner for Natural Resources may deem fit.

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AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDED THE THIRTIETH DAY OF JUNE, ONE THOUSAND NINE HUNDRED AND FORTY-ONE, AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE.

[14th August, 1941]

SECTION 1.—Supplementary Supply, 1940-41.  
Schedule .

MAY IT PLEASE YOUR MAJESTY :—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland, temporarily authorized by the Governor in Commission by Special Warrants dated 15th April, 1941, and 16th June, 1941, and issued under Section 33 (b) of Chapter 23 of the Consolidated Statutes (Third Series) entitled "Of the Auditing of Public Accounts" as amended by the Act 23 & 24 Geo. V, Chapter 60, and as further amended by the Act No. 21 of 1935, for the financial year ended the thirtieth day of June, One thousand nine hundred and forty-one, and for other purposes connected with the Public Service.

MAY IT THEREFORE PLEASE YOUR MAJESTY :—

A.D. 1941.      **That it may be enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Supplementary      1. From and out of the Consolidated Revenue Fund  
Supply, 1940-41.      there may from time to time be issued by the Commissioner for Finance and Controller of the Treasury sums not exceeding Three hundred and eighteen thousand five



hundred dollars (\$318,500), and the said sums so issued shall be paid and applied by the several Departments in respect of the year extending from the first day of July, One thousand nine hundred and forty to the thirtieth day of June, One thousand nine hundred and forty-one, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule to this Act.

**SCHEDULE**

Schedule.

<b>Head and Subhead</b>	<b>Department and Service</b>	<b>Amount</b>
IV	<b>Posts and Telegraphs:</b>	
A	Salaries.....	\$ 4,000
K	War Censorship.....	2,500
		<hr/>
VI	<b>Home Affairs:</b>	
D	War Services .....	15,500
IX	<b>Natural Resources:</b>	
D	Fisheries Expenditure .....	132,500
XI	<b>Public Health and Welfare:</b>	
E	Relief Expenditure .....	150,000
J	Maintenance and Equipment of Hospitals, etc. ....	14,000
		<hr/>
	Grand Total.....	\$318,500

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AN ACT FOR GRANTING TO HIS MAJESTY CERTAIN SUMS OF MONEY FOR DEFRAYING CERTAIN EXPENSES OF THE PUBLIC SERVICE FOR THE FINANCIAL YEAR ENDING THE THIRTIETH DAY OF JUNE, ONE THOUSAND NINE HUNDRED AND FORTY-TWO, AND FOR OTHER PURPOSES RELATING TO THE PUBLIC SERVICE.

[14th August, 1941]

SECTION 1.—Supply 1941-42  
Schedule.

MAY IT PLEASE YOUR MAJESTY :—

WHEREAS it appears that the sums hereinafter mentioned are required to defray certain expenses of the Public Service of Newfoundland, of which a part has been temporarily authorized by the Governor in Commission by a Special Warrant dated 30th June, 1941, which Warrant has been issued under Section 33 (b) of Chapter 23 of the Consolidated Statutes (Third Series) entitled "Of the Auditing of Public Accounts" as amended by the Act 23 & 24 Geo. V, Chapter 60, and as further amended by the Act No. 21 of 1935, for the financial year ending the thirtieth day of June, One thousand nine hundred and forty-two, and for other purposes connected with the Public Service.

MAY IT THEREFORE PLEASE YOUR MAJESTY :—

**A.D. 1941.**      **That it may be enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Supply 1941-42.    **1.** From and out of the Consolidated Revenue Fund there may from time to time be issued by the Commissioner for Finance and Controller of the Treasury sums

not exceeding Eleven million, one hundred and twelve thousand, two hundred and five dollars (\$11,112,205), and the said sums so issued shall be paid and applied by the several departments in respect of the year extending from the first day of July, One thousand nine hundred and forty-one to the thirtieth day of June, One thousand nine hundred and forty-two, towards defraying the charges and expenses of the Public Service of Newfoundland as set forth in the Schedule to this Act.

**SCHEDULE**

Schedule.

Head and Subhead	Department and Service	Amount	
<b>II.</b>	<b>Finance.</b>		
A	Salaries .....	\$ 73,968	
B	Travelling and Incidentals .....	4,200	
C	Reorganization of Government Service .....	35,000	
D	Newfoundland Railway .....	100,000	
E	Civil Pensions and Gratuities .....	180,000	
F	General Contingencies .....	10,000	
G	Management of Public Debt .....	26,500	
H	Contributions to Imperial Institute and other Committees .....	3,500	
I	Withdrawal of Worn Coin .....	3,000	
J	Cost of striking new coins .....	2,000	
K	Housing Grants .....	10,000	448,168
			<hr/>
<b>III.</b>	<b>Customs.</b>		
A	Salaries and Allowances .....	226,153	
B	Travelling and Subsistence .....	3,500	
C	Incidentals .....	6,900	
D	Rentals and Office Accommodation.....	2,950	
E	Vessels, Boats and Vehicles .....	8,000	
F	Stores .....	11,000	
G	Miscellaneous Expenses .....	9,444	267,947
			<hr/>

**IV. Posts and Telegraphs.**

A	Salaries and Allowances .....	379,078	
B	Travelling and Subsistence .....	16,000	
C	Incidentals .....	6,400	
D	Office Accommodation, etc. ....	16,500	
E	Stores .....	17,300	
F	Conveyance of Mails .....	222,380	
G	Maintenance of Telegraph, Telephone and Wireless Services .....	62,550	
H	Maintenance and Operation of Services under Contract .....	40,500	
I	Broadcasting .....	40,000	
J	Purchase of Labrador Wireless Equip- ment .....	2,163	
K	War Censorship .....	27,527	830,398

**V. Assessor of Taxes.**

A	Salaries .....	15,715	
B	Travelling .....	200	
C	Incidentals .....	150	
D	Expenses under Life Insurance Com- panies Act of 1906.....	7,650	23,715

**VI. Home Affairs.**

A	Salaries and Allowances .....	28,898	
B	Travelling and Incidentals.....	6,250	
C	Miscellaneous Expenses .....	3,888	
D	War Services .....	19,600	58,636

**VII. Education.**

A	Salaries .....	58,089	
B	Travelling and Subsistence .....	11,300	
C	Incidentals .....	2,000	
D	Grants .....	649,300	
E	General Education Expenditure.....	726,450	
F	Reconstruction Expenditure Education	161,000	1,608,139

**VIII. Justice.**

A	Salaries and Allowances .....	432,597	
B	Travelling and Incidentals .....	15,050	
C	Administration of Justice .....	20,800	
D	Vessels .....	4,000	
E	Penitentiary Expenses .....	26,453	
F	Court House, St. John's .....	1,050	
G	Outport Court Houses and Gaols.....	6,550	
H	Constabulary Expenses .....	91,800	
I	Fire Department Expenses .....	19,400	
J	Joint Expenses of Constabulary and Fire Department .....	57,232	674,932

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**VIII (A) Department of Defence.**

A	Newfoundland Militia .....	302,300	
B	Recruiting .....	36,516	
C	Services Medical Board .....	19,659	
D	Furlough Pay to Newfoundlanders serving with Imperial Forces.....	35,000	
E	Accounting Staff .....	2,900	
F	General Defence Services .....	100,000	496,375

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**IX. Natural Resources.**

A	Salaries .....	191,490	
B	Travelling .....	5,000	
C	Incidentals .....	8,500	
D	Fisheries Expenditure .....	594,220	
E	Forestry Expenditure .....	63,000	
F	Ranger Force Expenses.....	51,000	
G	Surveys .....	32,100	
H	Meteorological Service .....	16,000	
I	New York Trade Bureau .....	3,000	
J	Reconstruction Expenditure—Fisheries	45,000	
K	Reconstruction Expenditure — Forests	10,000	1,019,310

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**IX (A) Agriculture and Rural Reconstruction.**

A	Salaries, Agriculture .....	32,659	
B	Travelling .....	15,000	
C	Incidentals, Agriculture .....	1,600	
D	Encouragement of Agriculture.....	41,000	
E	Salaries, Rural Reconstruction.....	47,893	
F	Travelling, Rural Reconstruction .....	12,500	
G	Incidentals, Rural Reconstruction.....	2,500	
H	Allowances, Rural Reconstruction.....	2,640	
I	Rural Development .....	103,000	
J	Rehabilitation in Selected Areas.....	60,000	
K	Rural Industries .....	5,000	
L	Assistance to New Industries .....	12,500	
M	Maintenance of Land Settlements.....	80,704	
N	Maintenance of Land Settlement		
	Schools .....	2,100	419,096

**X. Public Works.**

A	Salaries .....	229,167
B	Travelling and Subsistence .....	10,500
C	Incidentals .....	4,500
D	Public Buildings, Maintenance .....	293,200
E	Roads, Bridges, Wharves, etc. ....	635,000
F	Miscellaneous Expenditure .....	23,800
G	Printing, Stationery, Advertising.....	111,700
H	Lighthouses .....	92,950
I	New Construction and Alterations to Public Buildings .....	118,000
J	Geological Division .....	30,800
K	Newfoundland Tourist Traffic Devel- opment Board .....	26,000
L	War Services .....	24,020
M	Airport Operation .....	35,000
N	Travelling Library .....	5,630
O	Equipment Science Laboratory.....	10,000
P	Road Construction .....	303,200
Q	Construction of Hospitals.....	230,000

R	Construction of Buildings—Demonstration Farm .....	4,000	2,187,467
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XI.	<b>Public Health and Welfare.</b>		
A	Salaries and Allowances .....	527,360	
B	Travelling and Subsistence .....	19,500	
C	Incidentals .....	12,400	
D	War Pensions .....	547,950	
E	Relief Expenditure .....	750,000	
F	Allowances to Widows and Orphans.....	225,000	
G	Old Age Pensions .....	140,000	
H	Hospital and Other Grants .....	49,500	
I	Orphanage Grants .....	32,300	
J	Maintenance and Equipment of Hospitals, etc. ....	393,000	
K	Maintenance and Equipment of Clinics, etc. ....	49,000	
L	Ambulance Services .....	6,250	
M	General, Public Health Department.....	128,000	
N	Grants to Local Councils .....	20,000	
O	General Health Campaign .....	48,500	
P	Anti-Tuberculosis Campaign .....	63,100	
Q	Equipment, New Buildings.....	13,000	3,024,860
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XII.	<b>Board of Liquor Control.</b>		
A	Salaries and Allowances .....	51,762	
B	Travelling .....	300	
C	Incidentals .....	1,100	53,162
<hr/>			
			\$11,112,205
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AN ACT FURTHER TO AMEND THE ST. JOHN'S  
MUNICIPAL ACT, 1921.

[26th August, 1941]

SECTION 1.—Repeal and substitution Sec. 155; regulations governing vehicles for hire.

A.D. 1941.

**Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Repeal and substitution Sec. 155; regulations governing vehicles for hire.

1. Section 155 of the St. John's Municipal Act, 1921, is hereby repealed and the following substituted therefor:

155. The Council shall have power to control and regulate the use of vehicles plying for hire within the City Limits, including power to restrict the classes of persons who shall be permitted to ply for hire with particular kinds of vehicles for the conveyance of passengers and for the transport of goods respectively within the City Limits and to fix the number of such vehicles permitted to ply for hire within said limits; to inquire into and decide upon the fitness of individuals belonging to such permitted classes to receive a licence to carry on such business and into the fitness of each vehicle used or to be used in such business; to require any person permitted to carry on such business (hereinafter called a licensee) to take out an annual or temporary licence therefor; to fix the fee to be paid for such licence and the terms and conditions upon which the same shall be held; to set apart in or adjoining the streets of the City stands for the use of licensees and regulate the use of such stands; to prohibit any person other than a licensee from driving or causing to be driven any vehicle for hire within the City Limits, and provide that from the date of expiry of an annual licence until its renewal the burden of proof that the holder of the expired licence is not driving for hire shall rest upon him; to fix and establish a scale of

fares, rates and charges to be paid to licensees and provide a summary method of recovery thereof; to fix and prescribe the duties and regulate the conduct of licensees in relation to the public and the rights and duties of the public in relation to licensees in all matters pertaining to their said business and to fix and impose appropriate fines and penalties for the breach or non-observance of rules and regulations made in the exercise of the powers hereby conferred. Nothing in this section shall apply to any vehicle travelling on rails.

**AN ACT FURTHER TO AMEND THE INDUSTRIAL  
 AND PROVIDENT SOCIETIES ACT, 1919.**

[4th September, 1941]

**SECTION**

1.—New Section 26A; borrowing powers.

**SECTION**

2.—Addition to Schedule.

A.D. 1941.

**Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

New Section  
26A;  
borrowing  
powers.

**1.** The Act 9 and 10 George V, Chapter 11, entitled “An Act Respecting Industrial and Provident Societies”, is hereby amended by inserting after Section 26 of the said Act the following section:

26A. A registered society may, if permitted by its rules, contract loans from members or others in accordance with the provisions of such rules.

Addition to  
Schedule.

**2.** The Schedule to the said Act, set forth in Act No. 29 of 1936, is hereby amended by adding thereto the following as Clause (12):

(12) Determination whether the Society may contract loans from members or others subject to the provisions of this Act; and, if so, under what conditions, on what security, and to what limits of amount.

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AN ACT TO EXTEND THE OPERATION OF THE  
STANDARD TIME (NEWFOUNDLAND) ACT, 1935.

[4th September, 1941]

## SECTION

1.—Reckoning of summer and  
ordinary time in relation  
to Greenwich time.

## SECTION

2.—Application of Act No. 17  
of 1935.  
3.—Short title.

Be it enacted by the Governor, by and with the advice of A.D. 1941.  
the Commission of Government, as follows:

1. Notwithstanding the provisions of the Standard Time (Newfoundland) Act, 1935, during the period in the year 1941 between midnight on the first Sunday in October and midnight on the first Sunday in November, the hour of noon shall be fixed as two and one-half hours later than noon by mean solar time at Greenwich; and all other hours shall be reckoned accordingly.

2. The preceding section of this Act shall have effect as though it were included in the Standard Time (Newfoundland) Act, 1935, and the provisions of that Act not inconsistent with the said section of this Act shall apply accordingly.

3. This Act may be cited as the Standard Time (Newfoundland) Extension Act, 1941.

AN ACT TO AMEND THE ACT NO. 34 OF 1934 ENTITLED "AN ACT TO PROVIDE FOR THE MANAGEMENT AND CONTROL OF HARBOURS".

[6th October 1941]

SECTION 1.—Amdt. Sec. 2.

A.D. 1941.      **Be it enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Amdt. Sec. 2.      **1.** Section 2 of the Act No. 34 of 1934 entitled "An Act to Provide for the Management and Control of Harbours" is hereby amended by striking out the word "five" and substituting therefor the word "three".

## AN ACT RESPECTING A TAX ON EXCESS PROFITS

[14th November, 1941]

## SECTION

- 1.—(1) Interpretation.
- (2) Application of Income Tax Act, 1929.
- 2.—Corporations liable to tax.
- 3.—Returns.

## SECTION

- 4.—Payment of tax.
- 5.—Assessment.
- 6.—Taxable periods to which Act applicable.
- 7.—Short title.

**Be it enacted by the Governor, by and with the advice of A.D. 1941.  
the Commission of Government, as follows:**

1.—(1) In this Act and in any regulation made under Interpretation this Act, unless the context otherwise requires, the expression—

(a) “excess profits” means either that portion of the profits of a corporation in excess of standard profits, or that portion of the profits in excess of the profits of the calendar year one thousand nine hundred and forty, whichever is more favourable to the corporation.

(b) “fiscal period” means the period for which the accounts of the corporation have been or are ordinarily made up and accepted for purposes of the Income Tax Act, 1929, and in the absence of such established practice the fiscal period shall be that which the corporation adopts: Provided, however,

(i) that such fiscal period shall not in any case exceed a period of twelve months; and

(ii) that if the accounts have been made up for a period longer or shorter than twelve months, the Commissioner for Finance may require the accounts to be adjusted to cover a period of twelve months; and

(iii) that if a corporation purports to change its usual and accepted fiscal period the Commissioner for Finance may in his discretion disallow such change if he is satisfied that the said corporation is thereby avoiding or minimizing taxation under this Act.

- (c) "corporation" means corporations and joint stock companies liable to taxation under subsection (2) of Section 4 of the Income Tax Act, 1929.
- (d) "profits" of a corporation for any period of taxation means the amount of the net taxable income of the corporation as determined under the provisions of the Income Tax Act, 1929, and Acts in amendment thereof, in respect of the same period of taxation.
- (e) "standard period" means the period comprising the calendar years one thousand nine hundred and thirty-eight to one thousand nine hundred and forty, both inclusive, or such years or parts thereof since the first of January one thousand nine hundred and thirty-eight during which the corporation was in business.
- (f) "standard profits" means the average yearly profits of a corporation in the standard period: Provided that for the purpose of this section profits shall be deemed to have accrued on an equal daily basis throughout any fiscal period or portion thereof which is in question; and provided further that losses incurred by the corporation during the standard period shall not be deducted from the profits in the standard period but the years of losses shall nevertheless be counted in determining the average yearly profits during the said standard period.

(2) Unless it is otherwise provided or the context otherwise requires, expressions contained in this Act shall have the same meaning as in the Income Tax Act, 1929, and definitions in the said Income Tax Act, 1929, shall apply to this Act. <sup>Application of Income Tax Act, 1929.</sup>

2. In addition to any tax payable under the Income Tax Act, 1929, and Acts in amendment thereof, and under the Act No. 4 of 1940 entitled "An Act Respecting a Sur-tax on Certain Incomes and Death Duties", and Acts in amendment thereof, there shall be assessed, levied and paid upon the annual excess profits of every corporation a tax of twenty-five per centum: Provided, however, <sup>Corporations liable to tax.</sup>

(a) that the total of income tax and excess profits tax shall not exceed thirty-two and one-half per centum of the net taxable income of the year of taxation or of the portion of the year one thousand nine hundred and forty-one in respect of which excess profits tax is payable in accordance with the provisions of Section 6 of this Act.

(b) that in the case of a corporation which had not commenced business prior to January first, one thousand nine hundred and forty, the excess profits tax payable shall be ten per centum of the net taxable income of the year of taxation.

3. Every corporation liable to taxation hereunder shall deliver to the Assessor in such form as the Commissioner for Finance may prescribe, a statement of its excess profits and the same shall be filed in such manner and at such time as is provided in the Income Tax Act, 1929, for the filing of income tax returns and all the provisions of the said Act applicable to the filing of income tax returns including penalty provisions shall, mutatis mutandis, apply as if enacted in this Act. <sup>Returns.</sup>



**Payment of  
tax.**

4. Every corporation liable to pay tax hereunder shall estimate the amount of the tax payable and shall send with the statement of excess profits not less than one-quarter of the amount of such tax and may pay the balance, if any, in not more than three equal bi-monthly instalments thereafter, together with interest at the rate of six per centum per annum upon each instalment, from the last day prescribed for the making of such return until the time payment is made.

**Assessment**

5. After examination of the corporation's return the Assessor shall send a notice of assessment to the corporation verifying or altering the amount of the tax as estimated in the return and any additional tax found due shall be paid in the same manner, at the same time and subject to the same interest and penalty provisions as if the additional tax were found due under the provisions of the Income Tax Act, 1929.

**Taxable periods  
to which Act  
applicable.**

6. The provisions of this Act shall apply to the profits of corporations for periods of taxation as follows:

(a) Whenever for any corporation the fiscal period is the calendar year the corporation shall be liable to pay the taxes hereinbefore provided upon its excess profits for the calendar year one thousand nine hundred and forty-one and the calendar years subsequent thereto; and

(b) whenever for any corporation the fiscal period is not the calendar year then

(i) in respect of a fiscal period of the corporation ending in the year one thousand nine hundred and forty-one the corporation shall be liable to pay only such proportion of the taxes hereinbefore provided upon its excess profits for that fiscal period as the number of days of the fiscal period in the calendar year one thousand

nine hundred and forty-one bears to the total number of days of the fiscal period; and

(ii) in respect of fiscal periods ending subsequent to the year one thousand nine hundred and forty-one the corporation shall be liable to pay the taxes hereinbefore provided upon its excess profits for such fiscal periods.

Section

**7.** This Act may be cited as **The Excess Profits Tax** Short title.  
Act, 1941.

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AN ACT FURTHER TO EXTEND THE OPERATION  
OF THE MILITIA ACT, 1939, AND THE AUXILIARY  
MILITIA ACT, 1940, FOR THE DURATION  
OF THE PRESENT EMERGENCY.

[18th November, 1941]

SECTION

- 1.—Extension of operation of  
Militia Acts for duration  
of war and thereafter.

SECTION

- 2.—Expiration of Acts when  
Order in Commission made.  
3.—Short title.

A.D. 1941.

**Be it enacted by the Governor, by and with the advice of  
the Commission of Government, as follows:**

Extension of  
operation of  
Militia Acts  
for duration  
of war and  
thereafter.

**1.** Notwithstanding the provisions of Section 12 of the Militia Act, 1939, and the provisions of the Militia (Annual) Act, 1940, the Militia Act, 1939, and the Auxiliary Militia Act, 1940, shall continue in force for the duration of the present war and for a limited period thereafter which may be prescribed by the Governor in Commission by order.

Expiration of  
Acts when  
Order in  
Commission  
made.

**2.** If an order under the preceding section extending the operation of the said Acts beyond the duration of the present war has not been made, and if the Governor in Commission declares by order that the present emergency has come to an end then the said Acts shall expire at the end of the day on which such last mentioned order is expressed to come into effect.

Short title.

**3.** This Act may be cited as the Militia (Wartime Operation) Act, 1941.

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AN ACT IN RELATION TO A CONTRACT FOR THE  
CARRIAGE OF PASSENGERS, MAIL AND  
FREIGHT UPON CONCEPTION BAY.

[24th November, 1941]

SECTION 1.—Power to make Agreement with Bell Island Steam-  
ship Company, Limited.  
Schedule.

**Be it enacted by the Governor, by and with the advice of A.D. 1941.**  
**the Commission of Government, as follows:**

1. It shall be lawful for His Excellency the Governor <sup>Power to make</sup> in Commission at any time within twelve months from the <sup>Agreement</sup> date of the passing of this Act to enter into an agreement <sup>with Bell Is-</sup> with The Bell Island Steamship Company, Limited, in <sup>land Steam-</sup> the terms of the Schedule hereto; and upon the execu- <sup>ship Company,</sup> tion and delivery of such agreement the several clauses, <sup>Limited.</sup> provisions and conditions thereof shall be valid and binding upon the parties thereto and each of them respectively.

Schedule.

**SCHEDULE**

AGREEMENT made at St. John's  
in the Island of Newfound-  
land this  
day of A.D.  
1941 BETWEEN His Ex-  
cellency Vice-Admiral Sir  
Humphrey Thomas Wal-  
wyn, K.C.S.I., K.C.M.G.,  
C.B., D.S.O., Governor of  
the Island of Newfound-  
land and its Dependencies  
in Commission (hereinafter  
called "the Government")  
of the one part AND The  
Bell Island Steamship  
Company, Limited, (here-  
inafter called "the Con-  
tractors") of the other  
part.

WHEREAS it is desirable in the public interest to  
maintain a steamship service on Conception Bay;

AND WHEREAS certain proposals in connection  
therewith have been approved by the Government;

NOW, THEREFORE, THESE PRESENTS WITNESS  
AS FOLLOWS:

1. In consideration of the payments to be made to the  
Contractors by the Government under the provisions of  
Clause 13 of this Agreement the Contractors will on the  
15th day of November, A.D. 1941, provide a steamer or  
motor vessel classed A1 at Lloyd's and conforming with  
the specifications set forth in Schedule A hereto (such  
steamer or vessel being hereinafter referred to as "the



ship'') and during the continuance of this Agreement will operate the ship for the carriage of passengers, mail and freight upon Conception Bay in accordance with the provisions of this Agreement and the Schedule of ship's movements set forth in Schedule B hereto.

2. This Agreement shall continue for five years from the 15th day of November, A.D. 1941, subject to the right of either party hereto to determine the same at the end of the first, second, third or fourth year thereof by giving to the other party hereto at least six months' notice in writing of its intention so to do.

3. The Contractors shall at all times during the continuance of this Agreement keep the ship in Class A1 at Lloyd's and in conformity with the specifications set forth in Schedule A hereto and properly manned and equipped in every respect in accordance with all laws and regulations which may from time to time be applicable. The Commissioner for Public Utilities may from time to time during the continuance of this Agreement cause the ship to be surveyed and inspected by such person or persons as he may appoint for that purpose and in case the ship shall fail to conform with the provisions of this Agreement and the specifications set forth in Schedule A hereto or there shall be any deficiency or default or anything wanting in the said ship or in her equipment, then upon notice in writing thereof to the Contractors by the said Commissioner the Contractors shall immediately bring the ship into conformity with such provisions and specifications or make good and supply the deficiency, default, defect or thing wanting, and in case of refusal or neglect by the Contractors to comply with the said notice, the Government may without prejudice to its rights under Clause 15 of this Agreement, suspend payment of the monthly instalments provided by Clause 13 of this Agreement until the failure, deficiency, default,

defect or thing wanting is remedied and all monthly instalments, the payment of which is suspended under the provisions of this clause, shall be deemed to be forfeited to the Government.

4. If the ship shall be withdrawn from the service by this Agreement to be performed by the Contractors for repair or renovation, the Contractors shall, while such repair or renovation is being effected or performed, provide and substitute another ship for the performance of the said service: Provided that such substituted ship shall first have received the approval of the Commissioner for Public Utilities who may at any time withdraw such approval and require that the ship provided under this Agreement be returned to the said service or that some ship other than the said substituted ship be placed in the said service pending the completion of such repair or renovation and provided further that on completion of such repair or renovation the ship shall be returned to the said service.

5. If the ship shall be lost or shall for any reason other than for repair or renovation be withdrawn from the service by this Agreement to be performed by the Contractors, this Agreement shall terminate unless the Contractors shall immediately provide and substitute another ship for the performance of the said service: Provided that such substituted ship shall first have received the approval of the Commissioner for Public Utilities who may at any time by notice in writing withdraw such approval and require the Contractors within such time as may be specified by such notice to provide a ship conforming with the provisions of this Agreement and the specifications set forth in Schedule A hereto and if the Contractors shall fail to provide such ship within the specified time this Agreement shall terminate.

6. All due care and diligence shall be used and all necessary appliances provided on board the ship for the

comfort and convenience of passengers, and for the preservation of good order and discipline, and for the prevention of all illicit trading on the part of any member of the ship's company.

7. The ship shall, subject to her capacity, carry all mails, mail bags and mail packages of every description delivered to the purser of the ship, or such other official as shall be acting as purser for the time being, from a suitable wharf at Bell Island to the public wharf at Portugal Cove and from the public wharf at Portugal Cove to a suitable wharf at Bell Island and immediately upon arrival at each of such wharves all such mails, mail bags and mail packages shall be delivered to a duly authorized official of the Department of Posts and Telegraphs: Provided that in the event of weather conditions or other causes beyond the control of the Contractors preventing the delivery of such mails, mail bags and mail packages at either of the above respective places, then the Secretary for Posts and Telegraphs may direct the Contractors to deliver and receive such mails, mail bags and mail packages at such other port in Conception Bay as may under the circumstances be convenient and the Contractors are hereby bound to follow his directions and to execute his orders in this respect.

8. All mails, mail bags and mail packages shall, from the time of receipt on board the ship until delivery in accordance with the provisions of Clause 7 of this Agreement, be kept in a special compartment of the ship and such compartment shall be kept locked or otherwise securely fastened during the whole of each trip and no other goods of any kind shall be kept or stored in the said compartment which shall be easy of access from the deck in the event of wreck of the ship and the Contractors hereby undertake that they will safely deliver in good condition all mails, mail bags and mail packages carried under this Agreement unless the ship shall become a total

loss or the mails, mail bags and mail packages or any part thereof shall be lost or damaged as a result of any circumstances beyond the control of the Contractors.

9. The said ship shall remain at each port of call not less than half an hour, except where otherwise provided in Schedule B hereto.

10. The Contractors shall not make any charge for the conveyance of mails, mail bags and mail packages beyond the payment provided to be made to them in Clause 13 of this Agreement, nor shall they charge for the conveyance of motor cars or passengers over the routes mentioned in Schedule C hereto any greater sum than the rates specified in the said Schedule C.

11. Should the ship fail to call at any one or more ports of call in accordance with the schedule of ship's movements set forth in Schedule B hereto or to remain at any port for the time by this Agreement or by Schedule B hereto provided unless prevented by causes over which the Contractors have no control, then and in such case, a deduction of twenty dollars for every occasion on which the ship fails to call or remain for the time so provided at any such port may be made from the amount which would otherwise have become payable for the month under Clause 13 of this Agreement, and the question as to whether or not such deduction shall be made, if disputed, shall be ascertained and determined by arbitrators as hereinafter provided.

12. The Contractors shall not discriminate against any person or persons in relation to the rates of freight or passage or offer to pay any public or private rebate or allowance to any person or persons in respect of the same, but shall carry all passengers and freight at uniform rates, which shall be subject to the approval of the Governor in Commission: Provided that the Contractors

shall have the right to issue free passes to such extent as is usual on the part of railway or steamship companies. A schedule of passenger and freight rates shall be advertised by the Contractors not less than once a year in one or more newspapers published in St. John's and Bell Island and any change in the same shall be subject to the approval of the Governor in Commission and shall be so advertised in such newspaper or newspapers before being put into force and the schedule of rates and all changes thereof shall be kept posted up in a public place on board the said ship. In no case shall preference be given to the freight of any shipper to be carried on the said ship.

13. In consideration of the due performance of the terms and conditions herein set forth the Government will pay to the Contractors during the continuance of this Agreement the sum of six thousand dollars a year payable in twelve monthly instalments of five hundred dollars each.

14. The Contractors shall not assign, underlet or dispose of this Agreement or any part thereof without the consent of the Government.

15. In the event of:

- (a) any breach by the Contractors of Clause 14;
- (b) failure by the Contractors to provide the ship on the date specified in Clause 1;
- (c) any repeated or habitual breach of the provision for operation of the ship by the Contractors contained in Clause 1;
- (d) any breach by the Contractors, continuing for more than one month, of Clause 3;



(e) any failure by the Contractors for more than one month to comply with Clause 4;

(f) any repeated or habitual breach by the Contractors of Clauses 6, 7, 8, 9, 10, 11, 12;

the Government may declare this Agreement terminated, without prejudice to the rights of either party theretofore accrued.

16. Any dispute arising between the parties hereto shall be referred to three arbitrators, of whom one shall be appointed by the Commissioner for Public Utilities and one shall be appointed by the Contractors: Provided that if the Contractors shall fail to nominate an arbitrator within seven days of notice in writing from the Commissioner for Public Utilities so to do, then the said Commissioner shall appoint an arbitrator on behalf of the Contractors. The third arbitrator shall be appointed by the two arbitrators appointed in accordance with the foregoing provisions of this clause: Provided that if the two said arbitrators shall be unable to agree upon a third, either party may apply to a Judge of the Supreme Court in Chambers, who may appoint such third arbitrator. The provisions of the Judicature Act relating to arbitration shall apply to any arbitration hereunder.

17. The Contractors shall hereby be held and firmly bound unto the Government in the penal sum of One thousand dollars for the due and faithful performance of this Agreement and all the provisions, conditions and stipulations herein contained on their part to be performed and kept.

IN WITNESS WHEREOF His Excellency the  
Governor in Commission has caused the  
Great Seal of the Island of Newfoundland  
to be set hereunto and has signed these



5 cylinders, built to Lloyd's highest specifications; or steam machinery of equivalent power at the option of the Contractor.

Tanks for drinking water.

Bunkers to hold about 3,000 gallons fuel oil or, in case of steam, an adequate supply of coal.

Electric lights to be fitted throughout ship.

Accommodation for ships' crew forward.

Ladies' cabin on deck, general cabin or lower saloo. below deck, upper saloon or lounge on after deck.

Lavatories for males and females.

Galley and mess room on deck.

Captain's room, chart room and wheelhouse room on top deck.

Deck space 34 feet long for motor cars, forward of the centre of ship if possible, capable of carrying five cars.

Ship to be built specially strong and reinforced and sheathed for ice conditions; bow to be specially reinforced.

Ship to be steam heated in all departments.

Ship to be equipped with large and convenient boats for landing passengers at ports where ship cannot come alongside and to be provided with fore and aft accommodation ladders for passengers to enter and leave boats. Wharf gangways to be provided and kept

on wharf at Portugal Cove and Bell Island Beach wharf.

Life-boats and dories to be carried sufficient to accommodate all passengers and crew.

A supply of life-belts of approved pattern sufficient for all passengers and crew to be carried in proper and accessible places.

Mail room to be provided on deck.

Sick bay for stretcher cases proceeding to or from hospital to be provided.

All anchors, chains, wire rope and other gear to be according to Lloyd's specifications.

Ship to be provided with all necessary and usual safety appliances for the safety of passengers and crew.

Searchlight to be installed on the ship.

### **SCHEDULE B.**

#### **Schedule of Ship's Movements Under This Agreement.**

1. The following schedule to be carried out between Portugal Cove and Bell Island daily from Monday to Saturday, both inclusive in each week:

(a) May 1st to December 31st:—

Leave Bell Island 8.30 a.m. with mail for Portugal Cove; leave Portugal Cove with morning mail for Bell Island not later than 9.30 a.m.; leave Bell Island for Portugal Cove 1.45 p.m.; leave Portugal Cove for Bell Island with afternoon mail 2.30 p.m.;

leave Bell Island for Portugal Cove 3.15 p.m.; leave Portugal Cove for Bell Island 4.30 p.m. Cattle or bulky freight shall not be carried on the regular passenger trips, but shall be carried on special trips at the discretion of the master of the ship.

(b) January 1st to April 30th:—

Leave Bell Island 8.30 a.m. daily with mail for Portugal Cove; leave Portugal Cove with morning mail for Bell Island not later than 9.30 a.m.; leave Bell Island for Portugal Cove 2.00 p.m.; leave Portugal Cove with afternoon mail 4.00 p.m. unless weather conditions prevent the ship making this schedule, or unless mail is delayed.

**2.** The following schedule to be carried out each Sunday from June 1st to September 30th: —

Leave Bell Island 9.30 a.m. for Portugal Cove; leave Portugal Cove 10.00 a.m. for Bell Island; leave Bell Island 1.00 p.m. for Portugal Cove; leave Portugal Cove 2.30 p.m. for Bell Island; leave Bell Island 3.00 p.m. for any port or ports in Conception Bay selected by the Contractors; leave the last of such ports 6.00 p.m. for Bell Island; leave Bell Island 8.00 p.m. for Portugal Cove; leave Portugal Cove 8.45 p.m. for Bell Island. A special trip may be made on Sunday evenings after the last regular trip for the convenience of the public.

**3.** The following schedule to be carried out each Sunday from October 1st to May 31st:—

Leave Bell Island 9.00 a.m. for Portugal Cove; leave Portugal Cove 9.30 a.m. for Bell Island; leave Bell Island 3.00 p.m. for Portugal Cove; leave Portugal Cove 3.30 p.m. for Bell Island.



4. The ship shall be available for trips to Conception Bay ports on Wednesday or Saturday evenings if business conditions warrant such trips.

5. The ship shall, unless impracticable so to do, return to Bell Island each night and dock there.

6. The above schedule shall be subject to weather and ice conditions and other causes beyond the control of the Contractors actually preventing its being carried out.

### **SCHEDULE C.**

#### **Certain Maximum Rates to be Charged.**

1. The rate per passenger (with hand baggage) from Bell Island to Portugal Cove or Portugal Cove to Bell Island not to exceed 50¢.

2. Motor cars to be carried between Portugal Cove and Bell Island at rates not exceeding the following:—

(a) Car and driver \$1.50 one way; (b) car and driver \$3.00 for return trip same day; (c) other persons than the driver conveyed with cars to pay regular passenger rates.

3. The rate per passenger with hand luggage from Portugal Cove to Bay Ports shall not exceed \$1.50.

4. The rate per passenger with hand luggage from Bell Island to Bay Ports shall not exceed the following:

(a) One way fare \$1.00.

(b) On Saturday evening trip return ticket may be purchased for \$1.00 provided return is made on following day.

(c) On intermediate trips during week return ticket may be purchased at \$1.50, provided return is made on return trip of the ship.

5. The rate per passenger between intermediate ports exclusive of Bell Island and Portugal Cove shall not exceed 50¢.

6. The above Schedule is subject to the condition that sufficient space is available to accommodate all passengers and cars offering at any particular time or place.

7. The term "Bay Ports" in this Schedule shall mean Harbour Main, Conception Harbour, Harbour Grace, Carbonear.

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AN ACT FURTHER TO AMEND THE REVENUE  
ACT, 1939.

[6th December, 1941]

SECTION

1.—Amdt. Schedule A.

SECTION

2.—Amdt. Schedule B.

3.—Time of coming into effect.

**Be it enacted by the Governor, by and with the advice** A.D. 1941.  
**of the Commission of Government, as follows:**

**1.** Schedule A to the Revenue Act, 1939, as heretofore <sup>Amdt.</sup> amended, is hereby further amended by striking out <sup>Schedule A.</sup> Items 11, 19, 65, 96, 97, 98, 101, 136, 194, 257, 315, 332, 333, 334a, 356, 357, 362, 364, 368, 369c, 374, 375, 387, 432, 437, 453, 456, 485, 512, 513, 515, 525, 552, 557, 558, 559, 572, 573, 574, 606, M1002, M1004, M1020, M1023, M1030, M1031, M1039, M1040, M1053, M1055, M1069 and M1072 and by inserting in their proper numerical places the several Items set forth in Schedule A to this Act.

**2.** Schedule B to the Revenue Act, 1939, as heretofore <sup>Amdt.</sup> amended, is hereby further amended by striking out <sup>Schedule B.</sup> Items D1315 and D1323, and substituting therefor the Items set forth in Schedule B to this Act.

**3.** This Act shall be deemed to have come into effect at <sup>Time of</sup> midnight on the 3rd day of July, A.D. 1941. <sup>coming into</sup> <sup>effect.</sup>

## SCHEDULE A TO THIS ACT

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Inter-mediate	Prefer-ential
11	Maize or Indian corn, whole... . . . .		Free	Free	Free
19a	Animal and poultry feeds, N.E.S., including prepared feeds of corn and grain, of- fals of corn and grain, oil cake, oil cake meal, cotton seed cake, cotton seed meal, pease meal... . . . .		Free	Free	Free
19b	Feeding stuffs. Dog biscuits and food for p e t s, including weight of immediate package... . . . .	per 100 lbs.	\$0.10	\$0 10	\$0.10
65a	Cocoa and chocolate, cocoa shells and nibs, ground or prepared, N.E.S... . . . .	per lb.	\$0.09½	\$0.09½	\$0.09½
65b	Cocoa and chocolate, ground or prepared, when imported in packages containing 7 lbs. or over, including weight of im- mediate container ..	per lb.	\$0.07	\$0.07	\$0.07
65c	Cocoa and chocolate powder preparations, containing milk or sugar, when import- ed in packages containing 7 lbs. or over, including weight of immediate container	ad val.	35%	35%	35%

## SCHEDULE A TO THIS ACT

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Inter- mediate	Prefer- ential
96	<b>Oils, refined, edible:—</b> Cocoanut, cotton seed, olive, palm, sesame, N. E. S., when imported in containers of not less than one gallon capacity.. . . .	ad val.	33%	33%	33%
97	Cocoanut, cotton seed, olive, palm, sesame, N. E. S., when imported in containers of less than one gallon capacity.. . . .	ad val.	60%	60%	60%
98	<b>Pickles and vegetables,</b> preserved in salt or vinegar.. . . .	ad val.	40%	40%	40%
101	<b>Soups of all kinds in</b> packages hermetically sealed.. . . .	ad val.	40%	40%	40%
136	<b>Vegetables, dried, pre-</b> served or canned....	ad val.	40%	40%	40%
194	<b>Lumber, undressed, un-</b> der 5 inches square, of a kind which is proved to the satisfaction of the Board of Customs not to be grown or produced in Newfoundland.. . . .	per M. feet	\$5.65	\$5.65	\$5.65
257	<b>Asbestos and manu-</b> factures of asbestos, N.E.S. Rock wool, glass wool, and insulating materials, N.E.S... . . . . .	ad val.	40%	40%	40%
315a	<b>Wire and manufact-</b> ures wholly or mainly of wire, N.E.S...	ad val.	60%	60%	60%
315b	<b>Wire brushes.. . . .</b>	ad val.	40%	40%	30%



## SCHEDULE A TO THIS ACT

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Inter-mediate	Prefer-ential
332	Manufactures wholly or mainly of brass or bronze, N.E.S., including rivets and wire . . . . .	ad val.	50%	50%	40%
333	Manufactures wholly or mainly of copper, N.E.S. . . . .	ad val.	50%	50%	50%
334a	Manufactures wholly or mainly of lead, N.E.S. . . . .	ad val.	50%	50%	50%
356	Safes and doors for vaults, ice ploughs, fire extinguishers, flat irons, N.E.S.; signs of any material, framed or not. Letters of any material for signs or similar use; garden or lawn sprinklers and lawn mowers; bird, squirrel, rat or mouse cages of wire or other material. . .	ad val.	60%	60%	50%
357	Lamps, side lights, head lights, lanterns (not electric), buckles of all kinds, N.E.S., (not being jewellery), slide shoes, N.E.S., bread mixers, scales, balances, weighing beams and weights. .	ad val.	60%	60%	50%
362a	Hollow-ware of metal, tinned, enamelled or not, N.E.S. . . . .	ad val.	40%	40%	30%
362b	Hollow-ware of aluminium. . . . .	ad val.	60%	60%	50%

## SCHEDULE A TO THIS ACT

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Inter-mediate	Prefer-ential
364a	Hay and feed cutters, hay binders, mowing machines, horse drawn hay rakes, manure spreaders, tedders for hay spreading, harrows, gang plows, cultivators, horse-drawn seeding machines, threshing, reaping, and binding machines, mechanical hay carriers and manure carriers, approved by the Board of Customs. . . . .		Free	Free	Free
364b	Metal barn equipment including galvanized or steel cow stalls, cattle stanchions and water bowls. . . . .	ad val.	25%	25%	25%
368	Thermometers, barometers, clinometers, telescopes, binoculars. Brass binnacles and chronometers for ships' use. . . . .	ad val.	50%	50%	50%
369c	Scientific, mathematical, optical and philosophical instruments; photographic appliances, N.E.S., magic lanterns and slides therefor, N.E.S., gauges and measuring instruments of precision; tapelines of any material. . . . .	ad val.	55%	55%	45%
374	Gas appliances, N.E.S., and parts thereof..	ad val.	40%	40%	30%

## SCHEDULE A TO THIS ACT

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Intermediate	Preferential
375	Oil lamps, oil stoves, oil appliances, N.E.S., and parts thereof, and lamp-wicks. . . . .	ad val.	40%	40%	30%
387	Electrical appliances for cooking and heating. . . . .	ad val.	40%	30%	30%
432	Hoops for masts; rushes for coopers' use; excelsior and other materials, N.E.S., for making mattresses or stuffing furniture. Sawdust of hardwoods. . . . .	ad val.	25%	25%	25%
437	Chair cane or reeds of withrod in an unmanufactured state. . . . .	ad val.	25%	25%	25%
453a	Hair cloth, hair and other mattresses, N.E.S. . . . .	ad val.	60%	60%	60%
453b	Pillows, bolsters and cushions of any material. . . . .	ad val.	50%	50%	40%
456	Smallwares: Ribbons, lace, velvet, and velveteen goods, chains, cords, crepes, braids, tapes, embroideries, boot, shoe and stay laces and other smallwares of cotton, wool, linen, silk or artificial silk; elastic, round, flat or garter; elastic and non-elastic webbing; artificial flowers, hair nets and manufactures of hair, N.E.S. . . . .	ad val.	50%	50%	40%

## SCHEDULE A TO THIS ACT

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Intermediate	Preferential
485	Painters' colours and pigments. Whiting, chalk, lampblack, ivory black, ultramarine. Putty. Copper paint. Paints, N.E.S. Varnishes, lacquers, japans, japan dryers, oil finish, size, sizing cream, resin sizing, and sizing of all kinds... . . . .	ad val.	55%	55%	45%
512	Baths, tubs and washstands of earthenware, stone, cement, clay or other materials, N.E.S... . . . .	ad val.	45%	45%	35%
513	China and porcelain ware, earthenware and stoneware, crown or coloured, and Rockingham ware, white granite or ironstone ware, C.C. or cream coloured ware, brown and cane ware, decorated, printed or sponged, and all earthenware, N.E.S... . . . .	ad val.	45%	45%	35%
515	All other kinds of glass and glassware, N.E.S., including silvered glass, framed or not framed.. . .	ad val.	45%	45%	35%
525	Paper hangings and borderings.. . . .	ad val.	45%	45%	45%

## SCHEDULE A TO THIS ACT

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Inter-mediate	Preferential
552	<b>Explosives, viz.:</b> Cannon, musket, rifle, gun and sporting powder, canister powder, giant powder, nitro and other explosives, and fuses of all kinds, N.E.S.	ad val.	50%	50%	40%
557	<b>Blinds or window shades,</b> in the piece, or cut and hemmed or mounted on rollers, blind rollers and cornices and poles for the same, of any material ...	ad val.	50%	50%	50%
558	<b>Dustbane</b> and other cleansers, washing soda, caustic potash and lye, laundry blue of all kinds...	ad val.	50%	50%	50%
559	<b>Knife-brick,</b> knife polish, and other compositions for polishing metal; boot and shoe polishes and dressings and furniture polish ...	ad val.	50%	50%	40%
572	<b>Carriages,</b> express and other wagons, buggies, carts and sleighs, N.E.S. ...	ad val.	50%	50%	50%
573	<b>Carriage,</b> wagon, buggy, hearse or express bodies; purchases, gears, hoods, poles, or seats, made up or partly made up; steel tyres, sleigh runners, N.E.S., steps or step pads... ..	ad val.	50%	50%	50%



## SCHEDULE A TO THIS ACT

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Inter-mediate	Prefer-ential
574	Wheelbarrows, hand-barrows, stand carts, trucks, trolleys or samsons.... .	ad val.	50%	50%	50%
606	Starch and preparations having the quality of starch, N.E.S.... .	ad val.	50%	50%	50%
M1002	Chocolate coating, chocolate paste and chocolate syrups for manufacturing purposes .....	ad val.	30%	30%	30%
M1004	Fruit pulp, fruit chemically preserved, vegetable pulp and paste, imported by manufacturers for use in manufacturing.... .	ad val.	15%	15%	15%
M1020	Whitewood, basswood, ash and hickory, mahogany, walnut, cedar, maple, chestnut, gumwood, not planed or dressed, when imported by wheelwrights, carriage builders, and other manufacturers to be manufactured by them.... .	per M. ft.	\$5.00	\$5.00	\$5.00
M1023	Cotton seed oil, olive oil, vegetable oils and vinegar for preserving fish or to be used in the manufacture of fish glue.		Free	Free	Free

## SCHEDULE A TO THIS ACT

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Inter-mediate	Prefer-ential
M1030a	Bevelled and cut nail strips, and bars of all metals to be used by manufacturers approved by the Board of Customs in the manufacture of nails. . . . .		Free	Free	Free
M1030b	Basic wire rods, not treated, pickled, limed, or baked, to be used by manufacturers approved by the Board of Customs in the manufacture of nails. . . .		Free	Free	Free
M1030c	Wire rods, treated in any manner, when imported by manufacturers approved by the Board of Customs to be used in the manufacture of nails. . . . .	per 100 lbs.	\$0.60	\$0.60	\$0.60
M1030d	Nail wire to be used by manufacturers approved by the Board of Customs in the manufacture of nails. . . . .	per 100 lbs.	\$1.00	\$1.00	\$0.67½
M1031a	Wire of brass, zinc or steel, screwed, twisted, flattened or corrugated, when imported by manufacturers of boots and shoes to be used by them in their manufactures. Wire when imported by broom, brush, or carriage manufacturers to be used by them in their manufactures.	ad val.	10%	10%	Free

## SCHEDULE A TO THIS ACT

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Inter- mediate	Prefer- ential
M1031b	<b>Enamelled castings</b> and enamelled sheet iron parts to be used in the manufacture of stoves, furnaces, etc., by manufacturers approved by the Board of Customs. . . . .	ad val.	20%	20%	20%
M1039a	<b>Special manufacturing machinery and apparatus</b> , patented or not, of a kind not manufactured in Newfoundland (but not to include repair parts) when imported under rules and regulations to be made by the Commissioner for Finance, to be used by manufacturers in Newfoundland in the manufacture of goods and costing at the place of shipment not less than \$300, provided the said machinery and apparatus can be used only for the special manufacturing industry for which it is imported. . . . .	ad val.	25%	25%	15%
M1039b	<b>Tungsten carbide dies</b> to be used by manufacturers of nails approved by the Board of Customs. . . . .	ad val.	25%	25%	15%

## SCHEDULE A TO THIS ACT

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Inter-mediate	Preferential
M1040a	<b>Printing presses, N.E.S.</b> Parts of printing presses of all kinds, printers' ink and printers' office furniture; bookbinders' tools and implements; ruling, paging and perforating machines and ruling pens for machines; bookbinders' wire and stitching machines, when imported by bona fide printers for use in their business.. . .	ad val.	20%	20%	20%
M1040b	<b>Printing presses to be used in the printing of newspapers.. . .</b>	ad val.	10%	10%	10%
M1053	<b>Ammonia and calcium chloride, for refrigerating purposes.</b> Boracic acid, acetic acid, and preservatives to be used in the preservation of fish or in the manufacture of fish glue, acids to be used in the process of galvanizing, electroplating, or in the manufacture of nails, when imported by manufacturers approved by the Board of Customs.. . .	ad val.	15%	15%	15%
M1055	<b>Glue, asphalt and other adhesives approved by the Board of Customs to be used in the manufacture of veneers</b>				

## SCHEDULE A TO THIS ACT

Item No.	Class or Description of Goods	Rates of Duty			
			Full	Intermediate	Preferential
	from local woods or in the manufacture of wallboard by manufacturers approved by the Board of Customs.. . . .	ad val.	20%	20%	10%
M1068	Hair, fibre, split bamboo and split rattan to be used in the manufacture of brooms and brushes	ad val.	25%	25%	25%
M1069a	Parchment or wax paper, when imported fish or lining tins specially for packing used in the canning industry in Newfoundland.. . . .		Free	Free	Free
M1069b	Cardboard cartons and other containers, unglazed kraft paper, labels, strapping wire and packing materials as approved by the Board of Customs, to be used by approved cold storage operators in packing frozen fish or blueberries for exportation, under conditions to be prescribed by the Board of Customs..		Free	Free	Free
M1072	Shooks, glue, tins and other coverings and labels to be used in their manufactures when imported by licensed tobacco manufacturers.. . . .	ad val.	20%	20%	10%



## SCHEDULE B TO THIS ACT

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
		On the production of proof to the satisfaction of the Board of Customs that the goods have been—	
D1315	<b>I n g r e d i e n t s</b> used in the manufacture of paints or printers' inks	used by manufacturers in the manufacture of paints or printers' inks.	33 1/3%
D1323	<b>M a t e r i a l s</b> imported and used in the manufacture of boots and shoes with the exception of leathers of the kind or nature of those manufactured in Newfoundland, viz.:—  (1) sole leather in the hide or side.	imported by wholesale manufacturers of boots and shoes and used in the manufacture of boots and shoes.	On such goods liable to duty at the preferential rate—80%.  On such goods liable to duty at the intermediate rate or the full rate—50%.

## SCHEDULE B TO THIS ACT

Item No.	Goods	When Subject to Drawback, etc.	Proportion of Duty payable as Drawback, etc.
	(2) all upper leather, N. E. S., and leather substitutes.		On such goods liable to duty at the preferential rate—80%.
			On such goods liable to duty at the intermediate rate or the full rate—50%.
	(3) all other materials.		80%.

AN ACT FURTHER TO AMEND THE EDUCATION  
ACT 1927.

## SECTION

- 1.—Repeal and substitution  
Schedule H.
- 2.—Amdt. Sec. 54; training  
of teachers.

## SECTION

- 3.—Amdt. Sec. 76; appropri-  
ation and apportionment  
of moneys.  
Schedule.

[17th December, 1941]

A.D. 1941.

Be it enacted by the Governor, by and with the advice  
of the Commission of Government, as follows:

Repeal and  
substitution  
Schedule H.

1. Schedule H to the Education Act 1927 (referred to  
in Section 54 (b) of the said Act) is hereby repealed and  
the Schedule H appearing in the Schedule hereto is sub-  
stituted therefor.

Amdt. Sec. 54;  
‘training of  
teachers.

2. Section 54 of the said Act is hereby amended as  
follows:

(a) By striking out from subsection (b) the words  
“proper Superintendent” and substituting there-  
for the words “Commissioner for Home Affairs  
and Education”.

(b) By renumbering the said subsection (b) as (b) (i)  
and adding thereto the following as paragraph (ii)  
thereof:

(ii) The sum to be inserted in the second  
covenant of the said Commissioner in each  
indenture entered into under this section shall  
be such sum as the Council of Education may  
in each case determine.

(c) By striking out from subsection (c) all the words  
following the word “denominations” and substi-  
tuting therefor the words “not having Boards of

Examiners may be indentured to the Commissioner for Home Affairs and Education according to the said Schedule H".

3. Section 76 of the said Act is hereby amended as follows:

Amdt. Sec. 76;  
appropriation  
and apportion-  
ment of  
moneys.

- (a) By striking out from sub-paragraph (4) of paragraph (B) the following:

"provided that the maximum amount annually paid towards the maintenance of a pupil teacher shall be one hundred and eighty dollars".

- (b) By striking out from sub-paragraph (9) of paragraph (B) the following:

"and provided further, that in schools in which the average daily attendance does not exceed fifty, only one teacher shall receive a share of the said amount, that where the average daily attendance is over fifty and less than one hundred, two teachers may share in the said amount, and so on for every additional fifty pupils";

and by substituting therefor the following:

"and provided further that, in any school in which the total enrollment of pupils in any year does not exceed fifty, only one teacher shall in such year receive a share of the said amount, and that, in any school in which the total enrollment of pupils in any year exceeds fifty but does not exceed ninety, two teachers may in such year receive a share of the said amount, and so on for every additional forty pupils enrolled; and provided further that, if more teachers are employed in any school than are entitled to receive a share of the said amount,

the Board of Education which has employed such teachers shall decide which teacher or teachers shall be entitled to receive a share of the said amount and such decision shall be final and binding on all teachers concerned and payment shall be made in accordance therewith upon receipt by the Commissioner for Home Affairs and Education of notice from such Board of its decision”.

Schedule.

## SCHEDULE

### Schedule H.

THIS INDENTURE made at St. John's in the Island of Newfoundland this            day of            Anno Domini One Thousand Nine Hundred and            BETWEEN the Commissioner for Home Affairs and Education (hereinafter called “the Commissioner”, which expression shall include his successors in office) of the one part AND            of            in the Island of Newfoundland aforesaid (hereinafter called “the pupil teacher”) and            of            in the Island of Newfoundland aforesaid (hereinafter called “the surety”) of the other part WITNESSETH AS FOLLOWS:

1. In consideration of the covenants on the part of the pupil teacher and the surety hereinafter contained the Commissioner covenants with the pupil teacher and the surety,

FIRSTLY, that the pupil teacher will be admitted to            , an institution for the training of teachers, for the term of one year and will during the said term receive all necessary training for the teaching profession at a rate not in excess of the ordinary rate of tuition in the said institution;



SECONDLY, that, subject to the provisions of the Education Act 1927 and Acts in amendment thereof, there will be paid in three instalments during the said term towards the maintenance and training of the pupil teacher the sum of                      dollars.

2. In consideration of the covenants on the part of the Commissioner hereinbefore contained the pupil teacher and the surety jointly and severally covenant with the Commissioner,

FIRSTLY, that the pupil teacher will attend at the said institution for the term of one year for the purpose of qualifying            self for the teaching profession and will during such term diligently apply            self to all the studies appointed to            and observe all the regulations that are or may be adopted by the said institution for the government and training of pupil teachers;

SECONDLY, that the pupil teacher will, upon completion of the said term of training, make all reasonable endeavours to obtain employment in an educational institution receiving financial aid from the Government of Newfoundland and will serve in such institution as a teacher in accordance with the provisions of the Education Act 1927 and Acts in amendment thereof for the period of two years;

THIRDLY, that, in case the pupil teacher shall fail to perform any of the covenants hereinbefore contained and on his part to be performed, or in case the pupil teacher shall fail to conform with the rules made for the government and training of pupil teachers, or in case the pupil teacher shall during the said term of training be dismissed by the Board of Examiners for misconduct, they will pay to the Commissioner such sum as shall be equal to the amount paid in respect of the maintenance and training of the pupil teacher as liquidated damages and not as a penalty as if the said sum were assigned as

liquidated damages for the specific breach of any separate provision herein contained: Provided that, if the pupil teacher shall, after the completion of his training, have served as a teacher in an educational institution in accordance with the provisions of the next preceding covenant for any period, the amount payable hereunder shall be reduced by the same proportion as such period of service bears to the whole period to be served by the pupil teacher under the provisions of the said covenant.

IN WITNESS WHEREOF the Commissioner has hereunto his hand and the seal of the Department of Education subscribed and set and the pupil teacher and the surety have hereunto their hands and seals subscribed and set the day and year first before written.

The official seal of the Department of Education was hereunto affixed by the Commissioner for Home Affairs and Education and this Indenture was signed by the said Commissioner in the presence of:

.....  
Secretary for Education

SIGNED, SEALED AND DELIVERED

by the pupil teacher and the surety  
in the presence of:

---

AN ACT FOR THE RAISING OF A LOAN FOR RAILWAY PURPOSES, AND TO ENABLE EFFECT TO BE GIVEN TO CERTAIN PROVISIONS OF AN AGREEMENT MADE BETWEEN THE NEWFOUNDLAND RAILWAY AND DEFENSE SUPPLIES CORPORATION, AND FOR OTHER PURPOSES.

[18th December, 1941]

SECTION

- 1.—Authority to raise loan of \$2,100,000.
- 2.—Nature of loan.
- 3.—(1) Bonds to be issued as securities for loan.  
(2) Dates of maturity of bonds.  
(3) Determination of maximum amount of bonds outstanding.  
(4) Form of bonds; rate and dates of payment of interest.
- 4.—(1) Registration and transfer of bonds.  
(2) Effect of registration.
- 5.—Application of Chapter 29 of Consolidated Statutes.
- 6.—Redemption of bonds.
- 7.—Bonds to be available

SECTION

- to Railway for exchange for certain notes.
- 8.—Redemption of bonds before maturity if required to meet liability of Railway.
- 9.—Exemption of certain goods from Customs duties.
- 10.—Exemption from income tax while bonds property of non-residents.
- 11.—Power of Governor in Commission in relation to loan.
- 12.—Manner in which bonds issued shall be signed.
- 13.—Principal and interest payable in legal tender of United States.
- 14.—Short title.  
Schedule.

WHEREAS the Newfoundland Railway (hereinafter called "the Railway") on the 24th day of November, 1941, entered into an Agreement with Defense Supplies Corporation, a corporation created pursuant to the laws of the United States (hereinafter called "the Corporation") for the acquisition by the Railway of certain equipment and for the provision of certain facilities;

AND WHEREAS payment for the said equipment and facilities is to be made under the terms of the said Agree-

ment by semi-annual instalments and the Railway has undertaken to issue promissory notes for the payment of the said instalments with interest;

AND WHEREAS it is provided in the said Agreement that the said instalment notes may be paid off at any time by the Railway but if not so paid off shall on presentation by the holders thereof be exchanged for bonds of the Newfoundland Government;

AND WHEREAS it is necessary to make provision for the issue of the said bonds;

A.D. 1941.

**Be it therefore enacted by the Governor, by and with the advice of the Commission of Government, as follows:**

Authority to  
raise loan of  
\$2,100,000.

1. The Governor in Commission shall have power to raise upon the credit of Newfoundland a loan not exceeding the sum of two million one hundred thousand dollars (\$2,100,000.00) which sum together with interest thereon at the rate of two and one-half per centum per annum payable half yearly on the first days of March and September in each year shall be chargeable upon and repayable out of the Consolidated Revenue Fund in the manner hereinafter provided.

Nature of loan.

2. The said loan may be raised in cash or by the acquisition of goods or the acceptance of services for the payment for which the credit of Newfoundland is pledged.

Bonds to be  
issued as  
securities for  
loan.

3.—(1) The Governor in Commission shall provide for the issue of securities for the said loan to consist of bonds in denominations of one thousand dollars (\$1,000) bearing interest as aforesaid.

(2) The said bonds, designated Series Q, shall be issued <sup>Dates of maturity of bonds.</sup> as of varying dates of maturity so that as near as may be an equal proportion of the total issue thereof shall fall due semi-annually on every March 1 and September 1 subsequent to the first issue thereof until March 1, 1957, and the total amount of the said bonds shall be repaid accordingly by March 1, 1957: Provided, however, that the amount of the first semi-annual maturities (not exceeding four in number) shall, if necessary, be adjusted upwards so that all subsequent semi-annual maturities shall be of equal principal amounts.

(3) The maximum amount of the bonds to be outstanding hereunder at any time shall be determined at or prior <sup>Determination of maximum amount of bonds outstanding.</sup> to the time of the first issue of bonds hereunder and shall appear on the face of each bond.

(4) The said bonds shall be in the general form set <sup>Form of bonds; rate and dates of payment of interest.</sup> forth in the Schedule hereof and shall be engraved, lithographed or lithographically printed. The bonds shall be numbered from 1 consecutively starting with bonds of the earliest date of maturity. The said bonds shall bear interest at the rate of two and one-half per centum per annum from the date thereof payable semi-annually on the first day of March and the first day of September in each year. The first semi-annual interest payment date shall be six months after the date of the said bonds which date shall be the March 1 or September 1 preceding by not more than six months the date of delivery thereof for the purpose of effecting the exchange of the said bonds for notes of the Railway as contemplated by the said Agreement.

4.—(1) So long as any of the said bonds shall be out- <sup>Registration and transfer of bonds.</sup> standing the Commissioner for Finance will maintain and keep at the Department of Finance in St. John's, Newfoundland, books for the registration and transfer of the said bonds and will upon request of the registered hold-



ers of a majority of the said bonds at the time outstanding and at the cost and expense of the Government of Newfoundland make due and proper arrangements with a Bank or Trust Company having an office or place of business in the Borough of Manhattan, City of New York, in the State of New York, to act as transfer agent for the Government and to do so at its office or agency in the Borough aforesaid and there to maintain books for the registration of said bonds.

Effect of  
registration.

(2) The said bonds shall be registered in the name of the holder thereof together with the address of such holder. For the purpose of giving to the registered holders of said bonds notice of redemption, if the Government shall elect to redeem said bonds or any of them as herein-after provided, for the purpose of paying the principal of and the interest on the said bonds and for all other purposes, the registered holder of each such bond shall be conclusively presumed to be the absolute owner thereof any notice to the contrary notwithstanding.

Application of  
Chapter 29 of  
Consolidated  
Statutes.

5. In case any bond issued under this Act shall be mutilated, defaced, destroyed, lost or stolen then the provisions of Chapter 29 of the Consolidated Statutes of Newfoundland (Third Series) entitled "Of Debentures of the Colony" shall apply: Provided however that notwithstanding the provisions of Section 5 of the said Chapter and the Schedule thereto bonds issued in substitution of bonds mutilated, defaced, destroyed, lost or stolen shall be in the form of the bond replaced.

Redemption  
of bonds.

6.—(1) So much of the said bonds as on March 1, 1947, shall not have been repaid shall be redeemable at any Bank or Trust Company, being an office or place of business in the Borough of Manhattan, City of New York, in the State of New York, at the election of the Government on the said date or on any succeeding March 1 thereafter prior to the due date

thereof at the principal amount thereof and accrued interest thereon to the March 1 designated for redemption plus a premium of two and one-half per centum on the principal amount if called for redemption on March 1, 1947, which premium shall be reduced on each succeeding March 1 by one-fourth of one per centum.

(2) In any case in which the Government elects to call for redemption a number less than all of the said bonds, those selected shall be of the latest maturity or maturities.

(3) In any case in which the Government elects to call for redemption any number of the said bonds, notice of such election shall be given in writing at least thirty days prior to the date designated giving the name and address of the Bank or Trust Company at which the bonds are to be presented for redemption. Such notices shall be sent by registered mail with postage prepaid to all registered holders of all of the said bonds to be redeemed and shall state that the Government has elected to redeem and pay off the bonds therein mentioned, designated by their respective numbers, on the March 1 stated in such notice, and that on such date there will become due and payable upon the bonds specified in such notice at the Bank or Trust Company at which such bonds are redeemable, the principal thereof together with all accrued interest thereon to such date, and that the redemption premium herein above specified will be paid on such redemption date, and that from and after such date, interest on each bond specified in the notice will cease to accrue.

7. So much of the said bonds as may be required to discharge the liability of the Railway under the said Agreement to exchange bonds issued under this Act for its instalment notes shall be made available to the Railway by the Commissioner for Finance.

Bonds to be available to Railway for exchange for certain notes.

Redemption of bonds before maturity if required to meet liability of Railway.

8. The Governor in Commission shall provide for the redemption of the bonds prior to the date of maturity thereof if, under the provisions of the Agreement hereinbefore referred to, the Railway becomes liable to pay for the said equipment and facilities prior to the said date.

Exemption of certain goods from Customs duties.

9. No customs or other duty or tax shall be levied or collected upon the entry into Newfoundland of any goods or materials imported into Newfoundland by the Corporation for the purposes of the Agreement with the Railway hereinbefore referred to.

Exemption from income tax while bonds property of non-residents.

10. No income or other tax shall be imposed upon the bonds issued hereunder nor upon the interest payable thereon while such bonds shall remain the property of any person residing outside of Newfoundland.

Power of Governor in Commission in relation to loan.

11. The Governor in Commission shall have and may exercise all such powers as shall be necessary to give effect to the said Agreement and the provisions of this Act and in particular for contracting all business connected with—

- (a) the raising of the said loan and the issue of the said bonds;
- (b) the management of such bonds and the payment of interest thereon; and
- (c) the making of proper provision for the repayment of the obligations evidenced by the said bonds in accordance with the laws of any country or countries in which such bonds may be issued.

Manner in which bonds issued shall be signed.

12. The bonds to be issued under this Act shall be signed by the Commissioner for Finance for the time being provided that the same may have subscribed the signature of the said Commissioner for Finance engraved, in which

case the bonds shall be countersigned by the Secretary for Finance.

13. In this Act and in the said bonds wherever the term “dollars” shall appear such term shall be held to mean United States dollars. Payment and redemption of the principal amounts of the said bonds and payment of the interest thereon shall be made in such funds as are on the respective dates of payment legal tender for the payment of public and private debts in the United States of America without deduction of any kind.

Principal and interest payable in legal tender of United States.

14. This Act may be cited as The Railway Loan Act, 1941.

Short title.

SCHEDULE

Schedule.

SERIES Q.

SERIES Q.

No. ....

No. ....

\$1,000

\$1,000

GOVERNMENT OF NEWFOUNDLAND  
Two and One-Half Per Cent Bond

This Bond is one of the bond issue, Series Q, issued in registered form pursuant to The Railway Loan Act, 1941.

The Government of Newfoundland (hereinafter called the Government) for value received, hereby promises to pay to Defense Supplies Corporation or registered assigns, on the first day of 19 , the sum of One thousand dollars (\$1,000) and to pay interest thereon from the date hereof until the said sum shall be paid at the rate of two and one-half per cent (2½%) per annum semi-annually on the first day of March and the first day of September in each year, the first semi-annual interest payment to be made six months after the date hereof. Payment of the

principal of one thousand dollars (\$1,000.00) and interest on this bond will be made at the office or agency of the Bank of Montreal in the Borough of Manhattan, City of New York, in the State of New York, in such coin or currency as at the time of payment is legal tender for the payment of public and private debts in the United States of America without deduction of any kind.

This Bond is one of an issue of Bonds of the Government, designated Series Q, issued under and by virtue of The Railway Loan Act, 1941, limited to an aggregate principal amount at any time outstanding of not exceeding dollars all issued or to be issued under the said Act and in accordance with the Agreement referred to in said Act to which Act and Agreement reference is hereby made for the terms and conditions upon which said Bonds are issued.

The Bonds maturing on or after September 1st, 1947, are subject to redemption at any Bank or Trust Company having an office or place of business in the Borough of Manhattan, City of New York, in the State of New York, at the election of the Government either in whole or in part on March 1st, 1947, and on each succeeding March 1st prior to the due date thereof, at the principal amount thereof and accrued interest thereon to the March 1st designated for redemption, plus a premium of two and one-half per cent ( $2\frac{1}{2}\%$ ) if called for redemption on March 1st, 1947, which premium shall be reduced on each succeeding March 1st by one-quarter of one per cent ( $\frac{1}{4}$  of 1%). In case a number less than all of the Bonds are called for redemption, those selected shall be of the latest maturity or maturities, and the Government shall give at least thirty (30) days' prior written notice by registered mail to the registered holder or holders of the Bonds to be redeemed, stating the date and place of redemption.







AN ACT FURTHER TO AMEND THE ACT NO. 8 OF  
1936 ENTITLED "AN ACT TO REGULATE THE  
CLOSING HOURS OF SHOPS AND OTHER MAT-  
TERS IN CONNECTION THEREWITH".

## SECTION

- 1.—Amdt. Sec. 2; interpreta-  
tion.  
2.—Repeal and substitution  
Sec. 10; restriction of

## SECTION

- working hours of assist-  
ants.  
3.—Additional working hours  
by agreement.

[23rd December, 1941]

Be it enacted by the Governor, by and with the advice of A.D. 1941.  
the Commission of Government, as follows:

1. Section 2 of the Act No. 8 of 1936 entitled "An Act <sup>Amdt. Sec. 2;  
interpretation.</sup> to Regulate the Closing Hours of Shops and Other Matters  
in Connection Therewith" is hereby amended by adding  
thereto the following paragraph numbered as (d):

(d) "Assistant" shall mean any person employed in or  
about a shop and wholly or mainly employed in  
serving customers, receiving orders or despatching  
goods, or in any office connected with a shop as  
above defined.

2. Section 10 of the said Act as enacted by the Act No. <sup>Repeal and  
substitution  
Sec. 10;  
restriction of  
working hours  
of assistants.</sup> 24 of 1936 is hereby repealed and the following substi-  
tuted therefor:

10. (1) No assistant shall be employed in any shop in  
St. John's on any of the days set forth in Sec-  
tion 6 of this Act or on any day proclaimed  
as a holiday in substitution therefor or on any  
day proclaimed under Section 7 of this Act as  
a general whole holiday or on any of the days  
proclaimed by His Excellency the Governor in  
Commission as public and Bank holidays.

- (2) Subject to the provisions of subsection (1) of this section, on every Wednesday to which Section 4 of this Act applies and on every day proclaimed under Section 7 of this Act as a half holiday no male assistant shall be employed in any shop in St. John's for more than four and one-half working hours and no female assistant shall be employed in any shop on Water Street in St. John's for more than three and three-quarter working hours or in any shop off Water Street aforesaid for more than four working hours.
- (3) On every Saturday or, if any of the days to which subsection (1) of this section applies shall fall on Saturday, then on the day immediately preceding such Saturday, no male assistant shall be employed in any shop on Water Street in St. John's for more than ten and three-quarter working hours or in any shop off Water Street aforesaid for more than eleven working hours and no female assistant shall be employed in any shop on Water Street aforesaid for more than ten and one-quarter working hours or in any shop off Water Street aforesaid for more than ten and one-half working hours.
- (4) Save as in subsections (5) and (6) of this section provided, on any day other than a day to which the provisions of any of the foregoing subsections of this section apply no male assistant shall be employed in any shop on Water Street in St. John's for more than eight and one-half working hours or in any shop off Water Street aforesaid for more than eight and three-quarter working hours and no female assistant shall be employed in any shop on

Water Street aforesaid for more than eight working hours or in any shop off Water Street aforesaid for more than eight and one-quarter working hours.

- (5) On any day, other than Sunday, during the period excepted in Section 4 of this Act a male assistant may be employed in any shop on Water Street in St. John's for not more than ten and three-quarter working hours and in any shop off Water Street aforesaid for not more than eleven working hours and a female assistant may be employed in any shop on Water Street aforesaid for not more than ten and one-quarter working hours and in any shop off Water Street aforesaid for not more than ten and one-half working hours.
- (6) In every week between the second and the thirty-first days of January, both days inclusive, in each year male office assistants may be employed in any shop in St. John's on any two of the days to which subsection (4) of this section applies for not more than two and one-half working hours in each such day in addition to the number of working hours limited by the said subsection.
- (7) The hours set forth in this section shall be exclusive of the periods of relief from duty provided under Section 12 of this Act.

**3.** Nothing in the said Act No. 8 of 1936 or in this Act contained shall make it unlawful for assistants to be employed in any shop in St. John's for a greater number of working hours than hereinbefore limited: Provided that such compensation as shall have been fixed by agreement <sup>Additional working hours by agreement.</sup>



between the employer and any assistants concerned shall be paid by such employer to such assistants in respect of such extra services, and provided further that this section shall not affect or extend the closing hours of shops in St. John's prescribed in the said Act No. 8 of 1936.

## AN ACT FOR THE PURPOSE OF FIXING MINIMUM PRICES FOR CODFISH

## SECTION

- 1.—Interpretation.
- 2.—Commissioner to pay losses on salt codfish.
- 3.—Commissioner to pay losses on fresh codfish.
- 4.—Levy per quintal on export; Salt Codfish Marketing Fund.
- 5.—Method of calculating cost.
- 6.—Conditions precedent to entitlement.
- 7.—Method of establishing sales prices.

## SECTION

- 8.—Co-ordinating Committee.
- 9.—Marketing organizations.
- 10.—Price of No. 2 Brazil.
- 11.—Keeping of books, &c.
- 12.—Form of fish receipt.
- 13.—Forfeiture of rights.
- 14.—Rules.
- 15.—Period of Act.
- 16.—Payment of claims.
- 17.—Repeal.
- 18.—Short title.
- Schedule A.
- Schedule B.
- Schedule C.

[30th December, 1941]

WHEREAS in view of the uncertainties which may arise in the marketing of salt codfish it has been found necessary to take measures to ensure that fishermen shall receive for their codfish not less than certain minimum prices;

AND WHEREAS it is expedient to secure the said result by undertaking to compensate licensed exporters for certain losses which may result from the payment of such minimum prices provided certain conditions are fulfilled;

Be it therefore enacted by the Governor, by and with the advice of the Commission of Government, as follows:

### 1. In this Act:—

Interpretation.

- (a) "licensed exporter" shall mean an exporter of salt codfish holding an annual licence under the Fisheries Board Act, 1936.

- (b) "Commissioner" shall mean the Commissioner for Natural Resources.
- (c) "Board" shall mean the Newfoundland Fisheries Board.
- (d) "Association" shall mean the Salt Codfish Association.
- (e) "designated export points" shall mean such ports as shall from time to time be decided by the Board and the Co-ordinating Committee jointly.
- (f) "quintal" or "qtl." shall mean one hundred and twelve pounds.

Commissioner  
to pay losses  
on salt codfish.

2.—(1) The Commissioner shall pay or cause to be paid to a licensed exporter of salt codfish in respect of salt codfish produced during the calendar year 1941 of the grades mentioned in Schedule A of this Act and purchased and exported by him a sum equivalent to the loss, if any, suffered by him on the total quantity of said fish, which loss shall be ascertained in the manner hereinafter provided.

(2) For the purpose of ascertaining the sum payable to a licensed exporter under subsection (1) of this section the profits on all shipments by such licensed exporter upon which profits shall have been made shall be set off against the losses on all shipments by such licensed exporter upon which losses shall have been incurred and if as a result of such set-off the losses shall exceed the profits the difference shall be the sum payable as aforesaid.

(3) For the purpose of ascertaining the loss incurred or the profit made on any shipment of codfish the cost of such shipment shall be arrived at by the processes of cal-

ulation provided under this Act and the loss or profit on said shipment shall be deemed to be the difference between the cost as aforesaid and the sale prices established from time to time under Section 7 of this Act as they relate to such shipment.

3. In arriving at the amount of the loss or profit referred to in Section 2 hereof the licensed exporter shall take into account any codfish purchased by him in the fresh state and cured into salt codfish in Newfoundland: Provided that in lieu of the price for salt codfish set forth in Schedule A hereto such exporter shall have paid for such codfish in the fresh state such prices as are set forth in Schedule A hereto.

4.—(1) There shall be paid by every licensed exporter in respect of salt codfish produced during the calendar year 1941 and exported by him the following—

Levy per  
quintal on  
export; Salt  
Codfish  
Marketing  
Fund.

- (a) the sum of fifty cents for every quintal of dried shore cure codfish, and
- (b) the sum of fifty cents for every quintal of Labrador or heavy salted Newfoundland codfish cured in Labrador style, and
- (c) the sum of forty cents for every quintal of heavy salted salt bulk codfish, and
- (d) the sum of twenty-five cents for every quintal of shore style salted salt bulk codfish, and
- (e) the sum of twenty-five cents for every quintal of pickled salt bulk codfish exported as such.

(2) In respect of all salt codfish produced in 1941 and exported before the passing of this Act and in respect of

which the sums set forth in Section 2 of The Salt Codfish Temporary Levy Act, 1941, have not been paid, the sums set forth in subsection (1) of this section shall be paid by the licensed exporter, who has exported such codfish, to the Secretary for Customs, or to the Collector of Customs at the port of exportation, on or before the 31st day of December, 1941, and until paid the said sums shall constitute a debt due to the Crown recoverable by action in the Supreme Court in the name of the Attorney General and, in addition, failure to pay the said sums in full on or before the said date shall render the licensed exporter liable to the penalty provided by Section 13 of this Act.

(3) In respect of all salt codfish produced in 1941 and exported after the passing of this Act the sums set forth in subsection (1) of this section shall be paid by the licensed exporter, who exports such codfish, to the Collector of Customs at the port of exportation and prior to the exportation thereof and unless such payment is made in full by the licensed exporter at the time of lodging the relevant export entry for such codfish the Collector of Customs shall refuse to accept such entry.

(4) There shall be established a fund to be known as the Salt Codfish Marketing Fund 1941, which shall be administered by the Commissioner or by such person or persons as may from time to time be appointed by the Governor in Commission, and there shall be paid into the said fund from time to time by the Commissioner—

- (a) all amounts paid or payable into the Salt Codfish Marketing Trust Fund established under The Salt Codfish Temporary Levy Act, 1941; and
- (b) from moneys provided by the Commission of Government amounts equivalent to the sums received from payments by licensed exporters under subsection (1) of this section; and



(c) from the Salt Codfish Marketing Fund established under the Fishermen's Assistance Act, 1940, as amended by the Act No. 36 of 1940, and notwithstanding the provisions of Section 5 of the said Act as so amended respecting the application of the balance of the said fund, such an amount as may be required in addition to the foregoing to make the payments required to be made to licensed exporters under Section 2 of this Act; and

(d) from moneys provided by the Commission of Government such further amounts as may be required by the Commissioner in addition to the foregoing to make the payments required to be made to licensed exporters under Section 2 of this Act.

(5) All payments to be made to licensed exporters under Section 2 of this Act shall be made out of the Salt Codfish Marketing Fund 1941.

(6) If the amounts paid into the Salt Codfish Marketing Fund 1941 under paragraphs (a) and (b) of subsection (4) of this section shall be more than sufficient for the Commissioner to make the payments required to be made to licensed exporters under Section 2 of this Act, three-quarters of the balance of such amounts remaining after such payments have been made shall, in accordance with regulations under subsection (7) of this section, be distributed amongst the fishermen who shall have caught the codfish which is the subject matter of this Act and the remaining quarter of such balance shall stand to the credit of the said Fund.

(7) The Governor in Commission shall make regulations providing for distribution amongst fishermen of the moneys to be distributed under subsection (6) of this section, regard being had to the amount of codfish caught and exported, the different classes of such codfish, the sums paid under subsection (1) of this section in respect

of each class of codfish and the amount of codfish in each class caught by every fisherman entitled to share in such distribution and such regulations may provide for the method of payment and the liability of any persons in relation thereto.

Method of  
calculating  
cost.

5. In order to arrive at the cost of codfish for the purpose of calculating the amount payable under Section 2 of this Act—

(a) A licensed exporter shall be entitled to add to the relative scheduled prices of the respective kinds and qualities of codfish purchased by him

(i) such of the items set forth in Schedule B hereof as apply to the kind and quality of codfish in respect of which it is claimed that payment is due, upon and subject to the conditions set forth in the said Schedule, and

(ii) the sum of fifty cents for every quintal of dried shore cure codfish, and

(iii) the sum of fifty cents for every quintal of Labrador or heavy salted Newfoundland codfish cured in Labrador style, and

(iv) the sum of forty cents for every quintal of heavy salted salt bulk codfish, and

(v) the sum of twenty-five cents for every quintal of shore style salted salt bulk codfish, and

(vi) the sum of twenty-five cents for every quintal of pickled salt bulk codfish exported as such.

- (b) A licensed exporter shall be deemed to have paid for codfish of the grades set forth in Schedule A of this Act the prices set forth in the said Schedule at designated export points notwithstanding that he may in fact have paid prices higher than those set forth in the said Schedule.

**6.—**(1) Subject to the proviso hereinafter contained a licensed exporter shall not be entitled to receive any payment under this Act unless—

Conditions  
precedent to  
entitlement.

- (a) In the case of purchases from a fisherman or from a merchant normally engaged in the issue of fishery supplies and not being a licensed exporter, the licensed exporter shall have paid such fisherman or merchant for all codfish of 1941 production of the grades set forth in Schedule A purchased by such licensed exporter prices not less than those set forth in the said Schedule at designated export points.
- (b) In the case of purchases from another licensed exporter, the purchasing licensed exporter shall have accompanied his claim for payment with an affidavit of the selling licensed exporter stating that such selling licensed exporter has paid to the fishermen prices not less than those set forth in the said Schedule at designated export points.
- (c) He shall have sold the codfish in respect of which such payment is claimed in such market and at not less than such prices and upon such terms and conditions, if any, as shall have been approved by the Board or as shall be required by any laws or regulations lawfully made.
- (d) In the case of a fisherman, or of a merchant normally engaged in the issue of fishery supplies

and not being a licensed exporter, who has obtained more than one-half of his fishery supplies whether on credit or for cash from a licensed exporter, such licensed exporter shall have purchased all the codfish produced by the fisherman or collected by the merchant from fishermen supplied by him as shall have been offered to the licensed exporter by such fisherman or merchant as the case may be.

- (e) In the case of a fisherman, or of a merchant normally engaged in the issue of fishery supplies and not being a licensed exporter, who has obtained more than one-half of his fishery supplies whether on credit or for cash from more than one licensed exporter, each such licensed exporter shall have purchased such proportion of the codfish produced by such fisherman or collected by the merchant from fishermen supplied by him as the amount of supplies obtained by such fisherman or merchant from such licensed exporter bears to the total of supplies obtained by such fisherman or merchant for the 1941 season from licensed exporters to the extent to which such codfish shall have been offered to the said licensed exporter.
- (f) In the case of exportation on behalf of a person in an outport not a licensed exporter all fishermen shall have been paid for all codfish of 1941 production of the grades set forth in Schedule A purchased by the person on whose behalf exportation is being made by the licensed exporter prices not less than those set forth in the said Schedule at designated export points: Provided that a licensed exporter shall not so export codfish unless approval in writing of the Board is first had and obtained.
- (2) No licensed exporter shall be obliged to purchase from any fisherman or merchant any codfish cured as to

style contrary to the written instructions given by such licensed exporter prior to curing.

(3) In any case in which a licensed exporter shall purchase codfish for cash or in which after crediting his account in full there shall be a balance due to a seller, the licensed exporter shall pay such purchase price or balance as the case may be in cash to the seller unless the seller shall otherwise desire. A breach of this subsection shall be deemed to bring the licensed exporter within the penalty provided by Section 13 of this Act.

(4) In order to qualify for payments under this Act a licensed exporter shall grade all codfish in accordance with such regulations as shall, at the time of the purchase of any codfish by the licensed exporter, be in force and he shall keep all grades of codfish stored separately while in his store or warehouse.

(5) Provided however that such licensed exporter shall not become disentitled to receive payment under this Act if in the opinion of the Commissioner he has failed to comply with any of the foregoing provisions of this section through inadvertence.

(6) The Commissioner may require proof to his satisfaction that the said prices have been paid for all such codfish bought by such licensed exporter and that all other conditions of this section have been complied with.

7.—(1) For the purpose of establishing the minimum prices below which salt codfish shall not be sold in the foreign markets the Association shall appoint a Committee for each market (hereinafter called the Marketing Committee). Once in each month the Marketing Committee shall establish the minimum prices which shall prevail for shipments during the ensuing month: Provided how-

Method of establishing sales prices.



ever that if during such ensuing month conditions in the opinion of any Marketing Committee render it necessary such Marketing Committee may revise the prices heretofore established.

(2) **Minimum prices, before being established**, shall be submitted by the Marketing Committee for the approval of the Board, which, if not satisfied that said prices are proper and reasonable, may defer the establishment thereof and refer immediately the question of what are proper and reasonable prices to a Committee to be known as the Price Revision Committee which shall consist of two nominees of the Association and two nominees of the Board, and any sale prices agreed upon by the said Committee shall be taken as if they had been established by the Marketing Committee. Should the Price Revision Committee be unable to agree upon what prices are to be considered proper and reasonable they shall appoint an umpire and the decision of the majority of the said Committee and the umpire shall be final and binding and the prices settled by them shall be taken as if they had been established by the Marketing Committee. Should the representatives of the Association and the members of the Board be unable to agree upon an umpire either the Association or the Board may apply to the Supreme Court or a judge thereof summarily for the appointment of such umpire, and the sections of the Judicature Act referring to arbitration shall apply *mutatis mutandis* to such application: Provided that for the purposes of this subsection it shall be the duty of the Board and of any Price Revision Committee and any umpire appointed as provided in this subsection in deciding what prices shall be considered as proper and reasonable to have regard to—

- (a) the respective quantities of codfish which at prices under consideration can reasonably be expected to be marketed, and

- (b) the public interest with particular reference to the economic operation of the Government undertaking under this Act.

8. There shall be a Committee to be known as the Co-ordinating Committee which shall consist of the Chairman of the Board, the Secretaries for Natural Resources and Finance, and seven licensed exporters to be appointed by the Governor in Commission. The Chairman of the Board shall be Chairman of the said Committee. The duties of the said Committee shall be to advise on all such matters as shall be referred to it by the Commissioner or by his direction or by the Board.

Co-ordinating  
Committee.

9. The respective Marketing Committees may from time to time recommend sales to be made and the share or quota of any licensed exporter therein. Such sales, shares and quotas shall be subject to the approval of the Board, and if any licensed exporter who in the opinion of the Board is reasonably capable of supplying his quota for any sale which the Marketing Committee recommend shall fail to do so, the Commissioner may on recommendation of the Board forfeit all rights of such licensed exporter under this Act.

Marketing  
organizations.

10. For the purpose of arriving at the amount due for loss on the sale of codfish known as No. 2 Brazil the licensed exporter shall be deemed to have paid therefor at the rate of five dollars (\$5.00) per quintal.

Price of No. 2  
Brazil.

11. Licensed exporters shall keep all necessary and proper books and records of all codfish bought and sold and of the qualities thereof, which accounts shall at all reasonable times be open to the inspection of the Board or of such person or persons as they shall from time to time appoint, and the Board or their appointees may at all reasonable times inspect any codfish in the possession or control of any licensed exporter and the premises in which any such codfish is stored.

Keeping of  
books, &c.

Form of fish  
receipt.

**12.** The Board may prescribe the particulars which shall appear on a fish receipt to be used in connection with any codfish purchased by a licensed exporter and no fish receipt which does not contain such particulars shall be valid for the purposes of this Act.

Forfeiture of  
rights.

**13.**—(1) The Governor in Commission may, on recommendation of the Board, forfeit all rights under this Act of any licensed exporter who has committed any violation of the provisions of this Act or been guilty of any interference with the aims and objects for which this Act is passed.

(2) Any licensed exporter aggrieved by the decision of the Governor in Commission under subsection (1) hereof may appeal therefrom to the Supreme Court.

Rules.

**14.**—(1) The Commissioner may on the recommendation of the Co-ordinating Committee make rules to provide for any cases not covered in the Schedules to this Act, with a view to giving effect to the provisions of this Act and the Schedules hereto.

(2) Until repealed in whole or in part, or amended, as the same may be from time to time, by rules made under the provisions of this section, the rules set forth in Schedule C to this Act shall have effect and shall apply and may be referred to as rules under this Act.

Period of Act.

**15.** This Act and the liability of the Commissioner hereunder shall remain in effect until all matters arising hereunder in relation to the 1941 production of salt codfish, including the settlement of all claims, shall have been finally settled and disposed of.

Payment of  
claims.

**16.** All claims for payment under this Act shall be made at such time and in such form and shall contain such information, and shall be verified in such manner as the Commissioner may from time to time direct. All claims

shall be paid within thirty days after the same shall have been approved.

17. The Salt Codfish Temporary Levy Act, 1941, is Repealed hereby repealed.

18. This Act may be cited as The Fishermen's Assistance Act, 1941.

SCHEDULE A

Schedule A.

I. Shore Cure	Price
Large and Medium Merchantable.....	\$7.25 per qtl.
Small Merchantable .....	6.50 " "
Large and Medium Madeira .....	6.75 " "
Small Madeira .....	6.00 " "
Tom Cods, 8" to 12", not below Madeira standard .....	5.50 " "
Labrador, shore style, not below stand- ard of ordinary small Madeira....	6.00 " "

II. Labrador Cure

Labrador semi-dry cure	
Number 1 .....	\$5.00 " "
Number 2 .....	4.75 " "

Provided however that a fisherman shall not be entitled to claim the above prices for an amount of semi-dry codfish greater than one-third of the total amount of such fisherman's heavy salted codfish.

Labrador or Heavy Salted Newfound- land codfish, cured in Labrador style, Number 1 .....	\$4.75 per qtl.
Labrador or Heavy Salted Newfound- land codfish, cured in Labrador style, Number 2 .....	\$4.50 per qtl.

Where codfish is culled and purchased  
on the Labrador coast.

No. 1 .....\$4.75 per qtl.

Less cost of freight and insurance  
to the place in the Island of  
Newfoundland where it is to be  
prepared or stored for export.

No. 2 ..... 4.50 " "

Less cost of freight and insurance  
to the place in the Island of  
Newfoundland where it is to be  
prepared or stored for export.

Where codfish is purchased on the Lab-  
rador coast and it is impracticable  
to cull it as between No. 1 and

No. 2, the price for mixed No. 1

and No. 2 shall be .....\$4.60 per qtl

Less cost of freight and insurance  
to the place in the Island of  
Newfoundland where it is to be  
prepared or stored for export.

### III. Salt Bulk

Heavy Salted Labrador, Shore or Bank

Codfish, clean and not requiring re-  
washing for export in salt bulk  
state, properly split and of sound  
quality and measuring 12 inches  
and up .....\$3.50 per cwt.

(112 lbs.)

Shore style salted Labrador, Shore or  
Bank Codfish, clean and not re-  
quiring rewashing for export in  
salt bulk state, properly split and  
of sound quality, Small—measuring

from 12 to 18 inches inclusive....\$2.75 per cwt.

(112 lbs.)



Shore style salted Labrador, Shore or Bank Codfish, clean and not requiring rewashing for export in salt bulk state, properly split and of sound quality, Large and Medium—measuring over 18 inches. . . . \$3.10 per cwt.  
(112 lbs.)

**IV. Fresh Codfish.**

(For salting and curing to any of the classes of codfish provided for in this Act).

Sound split codfish over 12 inches in length . . . . . \$0.01¼ per lb.

The following deductions are permitted from the above prices:

- (1) In the case of codfish listed under Class I of Schedule A:

Light Damp .....	\$0.40 per qtl.
Heavy Damp .....	0.60 “ “
Young codfish .....	1.00 “ “

- (2) In the case of a licensed exporter collecting codfish at places other than designated export points, such a sum as shall be approved by the Board, not exceeding the actual cost of collection.

## Schedule B.

**SCHEDULE B.****I. Handling Allowances.**

<b>Labrador</b>	<b>St. John's</b>	<b>Outports</b>
Labour .....	\$0.27½ per qtl.	\$0.15 per qtl.
Overhead .....	0.25 " "	0.20 " "
<b>Shore</b>		
Labour .....	0.38½ " "	0.25 " "
Overhead .....	0.40 " "	0.30 " "
<b>Salt Bulk</b>		
Labour .....	0.35 per draft	0.30 per draft
Overhead .....	0.25 " "	0.20 " "

(Draft=224 lbs.)

**II. Package Allowances.**

Drum .....	\$0.65
Half-drum .....	0.55
Cask .....	1.30
Half-cask .....	0.80
Donkey .....	1.40
Butt .....	1.50
Barrel .....	0.70
Special Barrel .....	0.80
Box 100, 112 and 128 lbs. capacity .....	0.90

The above allowances include the cost of material and labour for lining and/or strapping.

If, after investigation, the Board is satisfied that the actual cost to the exporter in respect of items under the heads of "Handling Allowances" and/or "Packages" is less than the allowance in the above scales the Commissioner may disallow any charge in excess of the actual cost.

**III. Extra Allowance**

A sum equivalent to thirty-five cents per quintal on all dried salt codfish of the grades mentioned in Schedule

A exported and thirty-five cents per draft of 224 pounds on all salt bulk codfish exported.

**IV. Special Provisions Relating to Salt Bulk and Fresh Codfish**

1. In any case where salt bulk codfish has to be resalted at the expense of the licensed exporter, such licensed exporter may add to the cost of same the cost of salt actually used, not to exceed:

(a) in the case of salting in store, 8 hogsheads per 100 drafts;

(b) in the case of salting on board carrier which is to carry the codfish to market, 6 hogsheads per 100 drafts.

2. In any case where codfish is taken in fresh or in salt bulk and curing is advanced to a stage where it produces another type of codfish referred to in Schedule A when shipped, the labour and overhead charges applicable to the class of codfish made shall apply.

3. In any case in which salt bulk codfish shall have been sold by a licensed exporter for export after having been stored in warehouse for at least seven days such licensed exporter shall be entitled to add to the cost of same a sum equivalent to the purchase price named in Schedule A and the labour and overhead allowances named in Schedule B calculated on 10% of the exported quantity.

4. For the purpose of computing claims arising in connection with Pickled Codfish not further advanced than headed, eviscerated and split, and exported as Pickled Codfish, the following basis shall be used:

Cost (374 lbs. fresh codfish being equivalent to 1 draft of 224 lbs pickled) \$4.68 per draft		
Salt.....31 hogsheads to 100 drafts.		
Labour St. John's .....	.35	" "
Labour Outports .....	.30	" "

Plus overhead, package allowance and extra allowance as provided under paragraphs I, II and III of this Schedule.

The above labour allowance shall apply where splitting is done by the producer. In cases where it is done by the buyer on the customary basis of taking livers against the cost of splitting, an additional sum of twenty cents for labour may be added, but in such cases there shall be deducted from any claim for loss the market value of the livers on the date of the purchase of the codfish.

#### V. Labrador Semi-dry Codfish.

In any case in which the Board shall permit a licensed exporter to dry ordinary cure Labrador codfish to make semi-dry codfish, after the same has been purchased and taken in, such semi-dry codfish shall be taken into account on the basis provided in paragraph II of Schedule A for semi-dry Labrador without any further addition thereto in respect of drying costs or loss of weight.

In any case in which the Board shall permit a licensed exporter to dry Labrador codfish for any market which requires a greater degree of dryness than Labrador semi-dry, such licensed exporter shall be entitled to add to the cost of the same a sum equivalent to the actual extra labour costs involved and the actual extra loss in weight, to be approved by the Board.

#### VI. Special Cases.

- (a) In any case in which a licensed exporter in St. John's purchases packed codfish from either a

# REGULATIONS

Made Under Defence Act, 1939

and

Emergency Powers (Defence) Act, 1940,

Sept. 1st, 1939, to Dec. 31st, 1941.

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OFFICE OF THE KING'S PRINTER,  
ST. JOHN'S, Nfld.

1942





# INDEX

## 1939

	Page
1. Newfoundland Defence Regulations .....	i
2. Foreign Exchange Control Regulations (1939) .....	XXXI

## 1940

3. Foreign Exchange Acquisition Regulations (1940) .....	XLVI
4. The Defence (Prohibited Places) Regulations .....	LIII
5. Defence (Firearms, Ammunition and Explosives) Regulations	LX
6. Defence (Alarm) Regulations .....	LXIV
7. Firearm Regulations .....	LXXI
8. Defence Alarm (St. John's Area) Orders .....	LXXXIX
9. The Defence (Shipping Control) Regulations .....	LXXX
10. The Merchant Ships (Defence and Safety) Regulation, 1940..	LXXXI
11. Defence (Requisitioning) Regulations .....	LXXXII
12. Defence (Alarm) No. 2 Regulations .....	LXXXIV
13. Defence (Detention of Ships) Regulations .....	LXXXV
14. Defence (Requisitioning of Firearms and Ammunition) Regula- tions, 1940 .....	LXXXVII
15. Order Requisitioning Firearms Grand Falls.....	LXXXVIII
16. Regulations for Control of Seamen .....	LXXXIX
17. Defence (Requisitioning of Land) Regulations.....	XCIII

## 1941

18. Defence (Board of Compensation) Regulations, 1941.....	XCVI
19. Defence Alarm (Exploits Valley Area) Orders .....	XCVIII
20. Regulations respecting Merchant Vessels .....	CI
21. Defence (Avoidance of Strikes and Lockouts) Regulations, 1941 .....	CX
22. Defence (Control and conditions of employment and disputes settlement) Regulations, 1941 .....	CXIII
23. The Defence (Blackout) Regulations .....	CXXIII
24. Defence (Prohibited Organizations) Regulations, 1941.....	CXXX
25. Blackout Order .....	CXXXII
26. The Food (Current Prices) Order, 1941 .....	CXXXIV
27. Defence (Price of Goods) Regulations, 1941.....	CXXXVII
28. Defence (Rent Restrictions) Regulations .....	CLI



licensed exporter or a person not a licensed exporter in an outport, and brings it to St. John's for export, a sum equivalent to the amount allowed for labour in outports and overhead in St. John's respectively may be added to the prices listed in Schedule A.

- (b) In any case in which a licensed exporter in St. John's purchases packed codfish from either a licensed exporter or a person not a licensed exporter in an outport and exports it from an outport, a sum equivalent to the amount allowed for labour in outports and overhead in outports respectively may be added to the prices listed in Schedule A.
- (c) In any case in which a licensed exporter in St. John's purchases bulk codfish from either a licensed exporter or a person not a licensed exporter in an outport and brings it to St. John's for export, a sum equivalent to the amount allowed for labour in St. John's and overhead in St. John's respectively may be added to the prices listed in Schedule A.
- (d) In any case in which a licensed exporter in St. John's purchases bulk codfish from either a licensed exporter or a person not a licensed exporter in an outport and exports it from an outport, a sum equivalent to the amount allowed for labour in outports and overhead in outports respectively may be added to the prices listed in Schedule A.
- (e) In any case in which a licensed exporter having his principal place of business in an outport and an office in St. John's brings codfish to St. John's for export, a sum equivalent to the amount allowed for labour in outports and overhead in outports respectively may be added to the prices listed in Schedule A.

- (f) In any case in which a licensed exporter exports codfish on behalf of a person in an outport not a licensed exporter (which may be done only if the approval of the Board is first obtained in writing), the rates for labour and overhead to be added to the prices listed in Schedule A shall be those applicable to **an outport**, unless it is necessary to bring the said codfish to St. John's, in which event the rate for overhead applicable to St. John's shall apply, and there may be added a sum equivalent to three per centum of the established sale price as the remuneration of the licensed exporter.
- (g) In the case of an outport licensed exporter or a non-licensed supplier who is shipping on an agency basis with the approval of the Board, whose place of business is so situated that by reason of close of navigation or lack of shipping opportunities he is unable to ship direct to the foreign market, the Board may approve the transfer of such licensed exporter's codfish to another designated export point. In any such case the licensed exporter may add to his cost the actual amount paid for freight, insurance and storage (if such licensed exporter has no storage premises at the last mentioned point) not to exceed a reasonable amount in any event.
- (h) In any case in which a licensed exporter has not in the past been in the habit of shipping to a particular market except through the agency of some other exporter, such licensed exporter may, the previous approval in writing of the Board having been first obtained, export his codfish to such particular market through the agency of another exporter, and may add to his cost a sum equivalent to three per centum of the established sale price as remuneration for the licensed exporter who exports the said codfish.

**SCHEDULE C.**

## Schedule C.

**RULES**

1. In addition to the fixed charges set out in Schedule B, which a licensed exporter is permitted to add to the purchase price of codfish purchased by him, such exporter shall, in respect of shipments to any country, be permitted to add also to such purchase price any or all of the following items of cost relating to shipments to such country, when such items of cost have been incurred by such exporter and approved by the Board:

(a) In the case of shipments to Brazil, bank charges, interest charges at a rate not exceeding five per centum per annum as from the date of shipment of the codfish to the date of receipt of the proceeds of the sale thereof, foreign freight, wharfage, quay charges, export tax, commissions, discounts, insurance against marine or war or other risks, consular fees, exchange adjustments, clearing charges, contributions towards the expenses of management necessarily incurred by any marketing group or association of licensed exporters, and cartage out: Provided that when shipments to Brazil are made through the port of St. John's the amount to be added in respect of cartage out shall be six cents for each whole drum and three cents for each half drum.

(b) In the case of shipments to any country other than Brazil, foreign freight, wharfage, quay charges, export tax, commissions, discounts, insurance against marine or war or other risks, consular fees, exchange adjustments, clearing charges, contributions towards the expenses of management necessarily incurred by any marketing group or association of licensed exporters, cartage out and interest charges at a rate not exceeding five per



centum per annum and collection charges or either of them made by any bank for discounting and collecting drafts drawn in respect of such shipments:

Provided that, with a view to assuring that all amounts claimed to be added to such purchase price by or paid to such exporter under these rules shall be nett amounts, all rebates, discounts, refunds and benefits received by such exporter before presentation of his claim to the Commissioner shall be deducted from such items of cost and all rebates, discounts, refunds and benefits received by such exporter after presentation of his claim to the Commissioner and before settlement of such claim shall immediately be reported by such exporter to the Commissioner for deduction from the amount claimed by such exporter and all rebates, discounts, refunds and benefits received by such exporter after settlement by the Commissioner of the claim of such exporter shall immediately be paid by such exporter to the Commissioner.

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AN ACT TO AMEND THE SALT CODFISH  
ASSOCIATION ACT 1936.

[31st December, 1941]

SECTION 1.—Amdt. to Sec. 3; funds of Association.

**Be it enacted by the Governor, by and with the advice of** A.D. 1941.  
**the Commission of Government, as follows:**

1. Section 3 of The Salt Codfish Association Act 1936 <sup>Amdt. to Sec. 3;</sup>  
is hereby amended by adding after the word "Associa- <sup>funds of</sup>  
tion" where it secondly appears in the said section the <sup>Association.</sup>  
words "and any moneys contributed by the Newfound-  
land Fisheries Board for the purposes of the Associa-  
tion".

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## DEFENCE REGULATIONS.

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Under the provisions of the Defence Act, 1939, His Excellency the Governor in Commission has been pleased to make the following Regulations.

The 1st day of September, 1939.

W. J. CAREW,  
Secretary of the Commission of Government.

### INTERPRETATION AND GENERAL . .

#### 1. For the purposes of these Regulations—

The expression “alien friend” means an alien whose Sovereign or State is at peace with His Majesty, or whose Sovereign or State is in no way connected with the present state of national danger or emergency.

References to landing or embarking shall, unless the context otherwise implies, be deemed to include references to attempting to land or attempting to embark respectively.

#### 2. (1) For the purposes of these Regulations the following ports are approved ports, that is to say—

## II

St. John's,  
Port aux Basques,  
Corner Brook,  
Botwood,

and any other port or place in Newfoundland or Labrador or any place in the said ports outside the approved landing places specified in sub-paragraph (b) hereof is for the purposes of these Regulations a prohibited port or place.

- (2) For the purposes of these Regulations the approved landing places within the said ports shall be:—

In St. John's:

Furness Withy & Co's. Pier.  
Harvey & Co's. Piers Nos. 1, 2 and 3.  
Marine Agencies Pier.  
Railway Dock Pier.

In Port aux Basques:

Railway Pier.

In Corner Brook:

International Power and Paper Co's. Piers.

In Botwood:

Anglo-Nfld. Development Co's. Pier.

- (3) The Governor in Commission may, by order, add any port to the list of approved ports. or remove any port from that list, and prescribe or alter the limits of any approved port or the approved landing places therein; and these Regulations shall thereupon have effect accordingly.

3. The following persons, that is to say—

- (a) any Collector of Customs thereto authorized by the Board of Customs;

111

- (b) any other persons appointed for that purpose by the Board of Customs;

shall be aliens officers for the purpose of these Regulations at the various ports in Newfoundland, and shall in the exercise of their powers act under general or special instructions from the Board of Customs, and, subject to such instructions, shall have power to enter on board any vessels, and to detain and examine all persons arriving at or leaving any port in Newfoundland, and to require the production of any documents by such persons, and generally to take such steps as are sanctioned by these Regulations or as may be necessary for giving effect to these Regulations.

## CONTROL OF ALIENS

### Embarkation and Disembarkation

4. An alien shall not land in Newfoundland at a prohibited port or place:

Provided that—

- (a) Where the Governor in Commission is satisfied that an alien friend has arrived at a prohibited port in ignorance of the provisions of these Regulations, or in any other circumstances entitling him to special consideration and may safely be permitted to land, he may grant him permission accordingly; and
- (b) Subject to the provisions of these Regulations, the foregoing prohibitions shall not, unless in any particular case an aliens officer so directs, apply to an alien friend who is the master or a member of the crew of a vessel arriving at a prohibited port, if whilst he is on shore he



#### IV

complies with such requirements (if any) as may be imposed upon him or upon masters and seamen generally by an aliens officer at the port, and any alien friend who lands in accordance with this proviso, and if conditionally disembarked, who complies with the conditions, shall not be liable to any penalty for landing at the port in question.

5. An alien, other than an alien friend, shall not land in Newfoundland at an approved port without the permission of the Chief Commissioner of Immigration.

6. An alien arriving at an approved port may, if the Chief Commissioner of Immigration so directs, or if an aliens officer at the port is satisfied that he cannot safely be permitted to land in Newfoundland, be treated as though the port were a prohibited port.

7. An alien landing in contravention of these Regulations, and an alien arriving at any port in circumstances in which he is prohibited from landing, may, until dealt with under these Regulations, be detained in such manner as the Chief Commissioner of Immigration may direct, and whilst so detained shall be deemed to be in legal custody.

8. An alien shall not land at any port in Newfoundland having in his possession—

- (a) any firearms or other weapons, ammunition or explosives or chemicals;
- (b) any petroleum spirit, naphtha, benzole, petroleum or other inflammable liquid in quantities exceeding one gallon;
- (c) any apparatus or contrivance intended for or capable of being used for signalling apparatus, either visual or otherwise;

- (d) any carrier or homing pigeons, or messenger dogs;
- (e) any motor car, motor cycle or aircraft; or
- (f) any cipher, code or other means of conducting secret correspondence;

and where an alien lands with any such articles in his possession they shall be deemed to be prohibited goods and he shall forfeit the articles, and shall be deemed to have imported them in contravention of the provisions of the *\*Revenue Act* for the time being in force relating to the importation of prohibited goods:

Provided that where an aliens officer considers that an alien arriving at any port may safely be permitted to land with any such articles as aforesaid in his possession, he may permit him to land accordingly, and the foregoing provisions of this Regulation shall not apply.

9. An alien conditionally disembarked under the direction of an aliens officer for the purpose of enquiry or examination shall not for the purposes of these Regulations be deemed to have landed so long as the conditions are complied with.

10. An alien shall not, except in pursuance of an order of deportation under these Regulations, embark in Newfoundland at a prohibited port or place:

Provided that—

- (a) Where the Chief Commissioner of Immigration is satisfied that any alien who desires to embark at a prohibited port or place may safely be permitted to do so, he may grant him permission accordingly.
- (b) Subject to the provisions of these Regulations, the foregoing prohibition shall not, unless in

\*Words in italics inserted by amending regulation of same date.

any particular case an aliens officer so directs, apply to an alien friend who is the master or a member of the crew of a vessel leaving a prohibited port or place;

and any alien friend who embarks in accordance with this proviso shall not be liable to any penalty for embarking in Newfoundland at the port or place in question.

11. Where an alien is about to leave any port or place on board a vessel on which he has arrived at the port or place, he may for the purposes of these Regulations, if the Chief Commissioner of Immigration so directs, or if it appears necessary to an aliens officer in the interests of public safety, be treated as though he had embarked at that port or place in contravention of these Regulations, but shall not be subject to any fine or imprisonment for so embarking.

12. An alien, other than an alien friend, shall not, except in pursuance of an order of deportation under these Regulations, embark in Newfoundland at an approved port unless provided with a permit issued by the Chief Commissioner of Immigration:

Provided that an alien about to embark in Newfoundland at an approved port, even when provided with such permit as aforesaid, may, if the Chief Commissioner of Immigration so directs, or if in the opinion of an aliens officer he cannot safely be permitted to embark, be deprived of his permit and treated as though the port or place were a prohibited port or place.

13. An alien embarking or about to embark in Newfoundland in contravention of these Regulations may, until dealt with under these Regulations, be detained in such manner as the Chief Commissioner may direct, and whilst so detained shall be deemed to be in legal custody.

14. (1) The master of every vessel, whether British or foreign, arriving at or leaving a port in

Newfoundland shall, immediately on the arrival of the vessel at that port, or, as the case may be, not more than twenty-four hours before leaving that port, furnish to an aliens officer at that port, with respect to all persons on board the vessel, or intending to embark on the vessel, such particulars in such manner as the Governor in Commission may direct, and shall otherwise take all reasonable steps in his power for securing the enforcement of these Regulations.

- (2) The master of a vessel arriving at or leaving any port or place shall not permit any persons to land or embark without the sanction of an aliens officer at the port or place.
  - (3) Where a person lands or embarks at any port or place in contravention of these Regulations the master of the vessel from which he lands or on which he embarks shall, unless he proves to the contrary, be deemed to have aided and abetted the offence.
15. (1) The Governor in Commission may order the deportation of any alien and any alien with respect to whom such an order is made shall forthwith leave and thereafter remain out of Newfoundland.
- (2) Where an alien is ordered to be deported under these Regulations, he may, until he can, in the opinion of the Chief Commissioner of Immigration, be conveniently conveyed to and placed on board a ship to leave Newfoundland, and whilst being conveyed to the ship, and whilst on board the ship, until the ship finally leaves Newfoundland, be detained in such manner as the Chief Commissioner of Immigration directs, and whilst so detained shall be deemed to be in legal custody.

## VIII

16. The master of a ship about to call at any port shall, if so required by the Chief Commissioner of Immigration or an aliens officer, receive an alien and his dependents, if any, on board his ship and afford him or them a passage to that port, and proper accommodation and maintenance during the passage, and, if the ship is the same or belongs to the same owner as the ship in which the alien arrived in Newfoundland, shall, if so required as aforesaid, afford such passage, accommodation, and maintenance free of charge.

17. If any alien, master of a vessel, or other person arriving at or leaving any port, lands or embarks without the permission of an aliens officer or refuses to answer any question reasonably put to him by an aliens officer, or makes or causes to be made any false return, false statement, or false representation to an aliens officer, or refuses to produce any document in his possession which he is required by an aliens officer to produce, or obstructs or impedes an aliens officer in the exercise of his powers or duties under these Regulations, he shall be deemed to have acted in contravention of these Regulations.

### Residence and Regulation

18. The Commissioner for Justice may by order require any alien to reside or continue to reside in any place specified in the order, and the alien shall comply with the order.

19. An alien who is not an alien friend shall not enter or reside or continue to reside either temporarily or permanently, in any area the residence of such aliens within which is prohibited by order of the Governor in Commission, unless provided with a permit issued by the registration officer of the District, subject to the general or special instructions of the Commissioner for Justice.

20. (1) Every alien wherever resident shall comply with the following requirements as to registration :—

- (a) He shall as soon as may be furnish to the registration officer of the registration district in which he is resident particulars as to the matters set out in the Annex hereto.
  - (b) He shall, if he is about to change his residence, furnish to the registration officer of the registration district in which he is then resident particulars as to the date on which his residence is to be changed, and as to his intended place of residence, and on effecting any such change of residence he shall forthwith report himself to the registration officer of the registration district into which he moves.
  - (c) He shall furnish to the registration officer of the registration district in which he is resident particulars of any circumstances affecting, in any manner, the accuracy of the particulars previously furnished by him for the purpose of registration within forty-eight hours after the circumstances have occurred.
- (2) Where an alien is lodging with or living as a member of the household of any other person, it shall be the duty of that person as soon as may be either himself to furnish with respect to the alien the particulars aforesaid, or to give notice of the presence of the alien in his household to the registration officer.
- (3) Where an alien has a household he shall furnish the particulars as aforesaid not only as respects himself, but as respects every alien who is living as a member of his household.
- 21. (1)** For the purposes of these Regulations the Chief of Police shall be the chief registration officer, and the magisterial districts shall be



the registration districts, in each of which a member of the Constabulary, or Ranger Force appointed by the Chief of Police shall be registration officer.

(2) A registration officer shall—

(a) keep for his registration district a register for the purposes of these Regulations;

(b) register therein all aliens resident in his district who furnish particulars for the purpose, by entering these particulars on the register.

(c) enter on the register all other particulars furnished in accordance with these Regulations with respect to any alien so registered; and

(d) if a registered alien ceases to be resident in his district record the fact in the register and inform the Registration Officer of any other District into which such alien is proceeding.

(3) The obligation of a registration officer to enter particulars shall not be affected by the fact that the particulars may not have been furnished within the time required by these Regulations, without prejudice, however, to the liability of an alien to a penalty for not furnishing the particulars within the required time.

(4) Every alien shall furnish to the registration officer, in addition to any such particulars as aforesaid, any information which may reasonably be required for the purpose of registering the alien or maintaining the correctness of the particulars entered on the register.

22. If any person furnishes or causes to be furnished to a registration officer any false particulars, or with a view to obtaining any permit or permission under these Regulations, makes or causes to be made any false statement or false representation, he shall be deemed to have acted in contravention of these Regulations.

### General Powers

23. (1) The Board of Customs may direct that any powers or duties assigned under these Regulations to alien officers or to registration officers shall be discharged by other persons deputed by the Board for the purpose.

(2) The Board, with a view to giving full effect to these Regulations, may direct that passengers on ships entering or leaving any port in Newfoundland shall be subject to such restrictions, control and supervision as may appear necessary or expedient, and may impose general conditions as respects ships entering or leaving any such port, and it shall be the duty of all persons to comply with any such direction.

### NAVIGATION

24. If the master of a ship or any other person disobeys or neglects to observe any Regulations relating to the navigation or mooring of ships in a harbour or the approaches thereto, or any signals from or any orders of any authorised officer relating to such navigation or mooring, he shall be guilty of an offence against these Regulations.

25. Every vessel shall comply with such regulations as to the navigation of vessels as may be issued by the Governor in Commission, and shall obey any orders given, whether by way of signal or otherwise, by any officer in

command of any of His Majesty's ships or by any naval or military officer engaged in the defence of the coasts.

If any vessel fails to comply with any such regulation or to obey any such orders, the master or other person in command or charge of the vessel shall be guilty of an offence against these Regulations, and if the vessel is at any time found within the territorial waters of Newfoundland, the Governor in Commission may cause the vessel to be seized and detained.

This Regulation shall not apply to a vessel not being a British vessel where the non-compliance with the regulations or disobedience to the orders takes place on the high seas outside the territorial waters adjacent to Newfoundland.

26. The Governor in Commission may by order prohibit any vessel, or any vessel of any class or description specified in the order, from entering any area which he may consider it is necessary to keep clear of vessels, or vessels of that class or description, in the interests of the public safety or the defence of the Island, and if any vessel, or any vessel of that specified class or description, enters any such area, the master or other person in command or charge of the vessel shall be guilty of an offence against these Regulations.

## AIR NAVIGATION

27. No one shall, without the permission of the Board of Customs, take off from or land on or fly over the Island in any aircraft.

28. Every person having the care, control or management of an aircraft shall within forty-eight hours of the publication of these Regulations make a report to the registration officer of his district. Every such report shall contain a full description, including the make, horsepower and age of every aircraft under his care, control and management.

**PREVENTION OF ESPIONAGE, SABOTAGE,  
SIGNALLING, ETC.**

XIII

29. No person shall, without the written permission of the Secretary for Posts and Telegraphs, buy, sell, or have in his possession or under his control any apparatus for the sending or receiving of messages by wireless telegraphy, or any apparatus intended to be used as a component part of such apparatus and no person shall sell any such apparatus to any person who has not obtained such permission as aforesaid; and if any person contravenes the provisions of this regulation he shall be guilty of an offence against these Regulations.

If the Secretary for Posts and Telegraphs has reason to suspect that any person having in his possession any apparatus for sending or receiving messages by telegraphy, telephony, or other electrical or mechanical means is using or about to use the same in any manner prejudicial to the public safety or the defence of the Island, or considers that such apparatus could or might be so used, whether he has such grounds for suspicion or not, he may, by order, prohibit that person from having any such apparatus in his possession, and may take such steps as are necessary for enforcing the order, and if that person has in his possession any apparatus in contravention of the order he shall be guilty of an offence against these Regulations.

For the purpose of this regulation any apparatus ordinarily used as a distinctive component part of apparatus for sending or receiving messages by wireless telegraphy shall be deemed to be intended to be so used unless the contrary is proved.

30. No person shall without lawful authority be in possession of any searchlight, semaphore, or other apparatus intended for signalling, whether visual or otherwise, or display, erect or use any signal, and if any person contravenes this provision he shall be guilty of an offence against these Regulations; and the Chief of Police may require any flagstaff or other erection capable of

being used as a means of signalling to be removed, and if the owner thereof fails to comply with the requirements, he shall be guilty of an offence against these Regulations and the Chief of Police may cause the flagstaff or other erection to be removed.

31. No person shall without the permission of the Chief of Police or some person authorised by him, display any light or ignite or otherwise make use of any fireworks or other similar device or any fire in such a manner as could serve as a signal, guide, or landmark, and if he does he shall be guilty of an offence against these Regulations.

32. No person shall without lawful authority collect, record, publish or communicate or attempt to elicit any information with respect to the movement, number, description, condition or disposition of any of the forces, ships, aircraft, or war materials of His Majesty, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations by any such forces, ships or aircraft or with respect to any works or measures undertaken for or connected with or intended for the fortification or defence of any place or any other information intended to be communicated to a foreign State or of such a nature as is calculated to be or might be directly or indirectly useful to such a foreign State and if any person contravenes the provision of this regulation, or without lawful authority or excuse has in his possession any document containing any such information as aforesaid he shall be guilty of an offence against these Regulations.

33. No person shall without the permission of the Governor in Commission make any photograph, sketch, plan, model, or other representation of any naval, military or air force work or of any dock or harbour work or with intent to assist any foreign State of any place or thing, and no person in the vicinity of any such work shall without lawful authority or excuse have in his pos-



session any photographic or other apparatus or other material or thing suitable for use in making any such representation, and if any person contravenes the provisions of this regulation or without lawful authority or excuse has in his possession any representation of any such work of such nature as is calculated to be or might be directly or indirectly useful to a foreign State he shall be guilty of an offence against these Regulations.

For the purposes of this regulation the expression "harbour work" includes lights, buoys, beacons, marks and other things for the purpose of facilitating navigation in or into a harbour.

**34.** No person without lawful authority shall injure, or tamper or interfere with any wire or other apparatus for transmitting telegraphic or telephonic messages, or any apparatus or contrivance intended for or capable of being used for a signalling apparatus, either visual or otherwise, or prevent or obstruct or in any manner whatsoever interfere with the sending, conveyance or delivery of any communication by means of telegraph, telephone or otherwise, or be in possession of any apparatus intended for or capable of being used for tapping messages sent by wireless telegraphy or otherwise, and if any person contravenes the provisions of this regulation, he shall be guilty of an offence against these Regulations.

**35.** No person shall trespass on any railway, or loiter on, under or near any pier, wharf, bridge, viaduct or culvert, or on or in any road, path or other place, being a road, path or place to which access has been forbidden by order of the Governor in Commission, and if he does so shall be guilty of an offence against these Regulations.

If any person does any injury to any railway, pier, wharf, bridge, viaduct or culvert, or is upon any railway, or on, under or near any pier, wharf, bridge, viaduct or culvert, or loiters on or in any road or path or other place near a railway, pier, wharf, bridge, viaduct or cul-



vert, with intent to do injury thereof, he shall be guilty of an offence against these Regulations.

36. The Governor in Commission may by order prohibit any person from approaching within such distance as may be specified in the order of any place or work to which it is deemed necessary in the interests of the public safety or the defence of the Island to afford protection, and if any person contravenes any such order he shall be guilty of an offence against these Regulations.

37. No person without the written permission of the Chief of Police shall, on or in the vicinity of any railway or in the vicinity of any dock or harbour or in the vicinity of any area which may be specified in an order made by the Governor in Commission, be in possession of any explosive substance or any inflammable liquid, in quantities exceeding the immediate requirements of his business or occupation, or of any firearms or ammunition (except such shot guns and ammunition therefor as are ordinarily used for sporting purposes in Newfoundland), and if any person contravenes this provision he shall be guilty of an offence against these Regulations.

38. If any unauthorised person is in possession of or wears any naval, military, air force, police or other official uniform, or any uniform so nearly resembling any such uniform as aforesaid as to be calculated to deceive, or if any person without lawful authority supplies any such uniform to any person not being a member of His Majesty's forces or civil establishments, he shall be guilty of an offence against these Regulations.

39. If any person forges, alters or tampers with any naval, military, air force or police pass, permit or other document or uses or has in his possession any such forged, altered or irregular naval, military, air force or police pass, permit or other document, or impersonates any person to whom such a pass, permit or other document

has been duly issued, he shall be guilty of an offence against these Regulations.

XVII

40. If any person is found in possession of a false passport or being a subject of a foreign Sovereign or State passes under an assumed name, he shall be guilty of an offence against these Regulations.

41. If any person, with the intent of eliciting information for the purpose of communicating it to a foreign Sovereign or State or for any purpose calculated to assist such Sovereign or State, gives or sells to a member of any of His Majesty's forces any intoxicant, or gives or sells to a member of any of His Majesty's forces any intoxicant when not on duty, with intent to make him drunk or less capable of the efficient discharge of his duties, or when on sentry or other duty either with or without such intent, he shall be guilty of an offence against these Regulations.

For the purposes of this Regulation the expression "intoxicant" includes any intoxicating liquor or any sedative, narcotic or stimulant drug or preparation.

42. If any person sends from Newfoundland, whether by post or otherwise, any letter or other document containing any matter written in any medium which is not visible unless subjected to heat or some other treatment, or without proper authorization employs a code or cipher for the transmission of information, he shall be guilty of an offence against these Regulations.

43. Any person authorized by the Governor or the Commissioner for Justice or any police constable or ranger or officer of Custom and Excise or aliens officer may arrest without warrant any person whose behaviour is of such a nature as to give reasonable grounds for suspecting that he has acted, or is acting, or is about to act in a manner prejudicial to the public safety or the defence of the Island, or upon whom may be found any article,

book, letter or other document, the possession of which gives grounds for such a suspicion, or who is suspected of having committed an offence against these Regulations.

If any person assists or connives at the escape of any person who may be in custody under this Regulation, or knowingly harbours or assists any person who has escaped, he shall be guilty of an offence against these Regulations.

### **CONTROL OF POPULATION, VEHICLES AND LIGHTS**

- \*44. The Governor-in-Commission or any person authorized by him may by order direct that all or any lights, or lights of any class or description, shall be extinguished or obscured in such manner and between such hours as the order directs, within any area specified in the order and during such period as may be so specified, and if the person having control of any light fails to comply with the order, he shall be guilty of an offence against these Regulations, and any Police Constable or Ranger may cause the light to be extinguished or obscured as the case may be, and for that purpose any person authorized by the Chief of Police in that behalf or any police constable or ranger may enter the premises in which the light is displayed, and do any other act which may be necessary.

Any such order as aforesaid may provide that vehicles of any class or description shall, when travelling within the areas specified in the order during the period between one hour after sunset and one hour before sunrise, carry or use only such lights or degree of lighting as may be specified in the order, and any police constable or ranger may stop and seize any vehicle which is

\*Substituted by Regulation of May 25, 1940,

carrying or using lights or a degree of lighting not in compliance with the order, and the person in charge or having control of the vehicle shall be guilty of an offence against these Regulations.

- \*45. The Governor-in-Commission may by order require every person within any area specified by the order to remain within doors between such hours as may be specified in the order, and, in such cases, if any person within that area is or remains out between such hours without a permit in writing from the Chief of Police or some person duly authorized by him, he shall be guilty of an offence against these Regulations.

46. The Governor in Commission may by order require the whole or any part of the inhabitants of any area specified in the order to leave that area if the removal of such inhabitants from that area is necessary for naval or military reasons, and if any person to whom the order relates fails to comply with the order he shall be guilty of an offence against these Regulations, and the Governor in Commission may cause such steps to be taken as may be necessary to enforce compliance therewith.

### **PREVENTION OF ENEMY PROPAGANDA**

47. No person shall by word of mouth, or in writing or in any newspaper, periodical, book, circular, or other printed publication spread false reports or make false statements or reports likely to cause disaffection or alarm or to interfere with the success of His Majesty's Forces by land or sea, or to prejudice His Majesty's relations with foreign Powers or spread reports, or make statements likely to prejudice the recruiting, training, discipline or administration of any of His Majesty's forces, and if any person contravenes this provision he shall be guilty of an offence against these Regulations.

48. If any person attempts to cause mutiny, sedition or disaffection among any of His Majesty's Forces, or

\*Substituted by Regulation of May 25, 1940.

among the civilian community, he shall be guilty of an offence against these Regulations.

### **CENSORSHIP**

**49.** No person shall without lawful authority transmit (otherwise than through the post) or convey, to or from Newfoundland or receive or have in his possession for such transmission or conveyance any letter or any written message for any other person, and if any person contravenes this provision, he shall be guilty of an offence against these Regulations.

This Regulation shall not apply to shipowners' letters that is to say letters sent by a ship by the owners or agents thereof having reference only to the business of the ship and cargo (which letters shall, 'however, be liable to censorship); nor to any other class of letters or written messages that may be for the time exempted by order of the Governor in Commission.

- 50.** (1) The Governor in Commission may appoint censors at such remuneration as he may consider reasonable.
- (2) Such censors shall have power to open any letter or postal article passing through the post and to detain or destroy such letter or letters or article or any portion thereof if they consider that the same is or may be detrimental to the safety of the Island or of His Majesty's forces, or is or may be useful to the enemy in any way.
- (3) Such censors shall also have power to control in whole or in part radiotelegraph, telegraph, telephone and other means of communication and to interrupt or prevent any such communication and to inspect, detain, destroy or alter the form of any communication passing or intended to pass by any such means of communication if they consider that the same



is or may be detrimental to the safety of the Island or of His Majesty's forces or is or may be useful to the enemy in any way.

XXI

- \* (4) Such censors shall also have power to control press matter or any other matter intended for publication within such limits as the Governor in Commission may from time to time prescribe, and to control all matters to be broadcast or otherwise to be communicated to or disseminated among the public.

51. Any person landing or embarking at any place in Newfoundland shall, on being required to do so by any person authorised by the Chief Commissioner of Immigration, or by an aliens officer or officer of police, make a declaration as to whether or not he is carrying or conveying any letters or written or otherwise recorded messages intended to be transmitted by post or otherwise delivered, and, if so required, shall produce to the person making the requisition any such letters or messages, and the person authorised by the Chief Commissioner of Immigration or the aliens or police officer may search any such person and any baggage, with a view to ascertaining whether such person or the person to whom the baggage belongs is carrying or conveying any such letters or messages.

The person authorised by the Chief Commissioner of Immigration or the aliens or police officer may examine any letters or other messages so produced to him or found on such search, and may transmit them to an officer appointed to censor postal correspondence.

Any person who knowingly makes any false declaration under this Regulation, or on being required to produce any such letters or messages as aforesaid refuses or neglects to do so, shall be guilty of an offence against these Regulations.

\*Added by amending Regulation of same date,



**CONTROL OF FIREARMS, ETC.**

**52.** The Governor in Commission may by order prohibit the manufacture or sale of firearms, ammunition, or explosive substances or any class thereof, within the area specified in the order, either absolutely or except subject to such conditions as may be specified in the order, and if any person without a permit from the Commissioner for Justice manufactures, sells or has in his possession for sale within the area specified, any arms, ammunition or explosive substance in contravention of the order or fails to comply with the conditions imposed by the order, he shall be guilty of an offence against these Regulations.

**53.** No person, except the competent civil, military, naval or air authority, shall bring or cause to be brought into Newfoundland any firearms, equipment, ammunition or any explosive substance without a permit from the Commissioner for Justice, and if he does so he shall be guilty of an offence against these Regulations, and any person authorised for the purpose by the Governor in Commission or Military Authorities, and any police constable or officer of Customs may examine, search and investigate any ship or vessel for the purpose of the enforcement of this provision, and may seize any arms or ammunition or any explosive substance which are being or have been brought into Newfoundland without such permit as aforesaid.

**54.** If any person by the discharge of firearms or otherwise endangers the safety of any of His Majesty's forces or the civil community, he shall be guilty of an offence against these Regulations.

**CONTROL OF IMPORTS AND EXPORTS**

**\*55.** No person shall, without the consent of the Governor in Commission, export from the Island any bullion,

\*Regulation 55 revoked by Regulation of November 25, 1939.

gold or silver coins, or such coins as are legal tender in the Island, or such other currency as the Governor in Commission may from time to time direct.

\*56. No person resident, carrying on business or being in the Island shall directly or indirectly supply to or for the use or benefit of, or obtain from any such country or countries as the Commissioner for Finance may from time to time by order indicate, or any resident of any such country, any goods, wares or merchandise; nor directly or indirectly supply to or for the use or benefit of, or obtain from any person any goods, wares or merchandise, for or by way of transmission to or from any such country or resident of any such country, nor directly or indirectly trade in or carry any goods, wares or merchandise destined for or coming from any such country or any resident thereof, and if any person contravenes the provisions of this Regulation he shall be guilty of an offence against these Regulations.

\*57. Every importer and every exporter of goods shall present to the Department of Customs a certificate of origin or a declaration of ultimate destination, as the case may be, in the form prescribed by the Board of Customs in respect of all goods imported into or exported from the Island.

Any goods, wares or merchandise imported into the Island unaccompanied by Certificates of Origin may be detained by the Board of Customs until the requisite certificates are produced, provided, however, that the Board of Customs may in certain cases allow delivery of the goods on the security of a deposit or of a bond to the amount of three times the value of the goods with a view to the production of the necessary certificates within a prescribed period.

Declaration will be accepted (a) from the actual exporter, if an individual, or from a clerk in his employment if duly authorized in writing; (b) in the case of a

\*Regulations 56 to 60 revoked by Regulations of same date.

private company or firm, from one of the partners or from a clerk in their employment if duly authorized in writing; (c) in the case of a limited or other company incorporated in this country under the Companies Acts, from any director or from the Secretary, without authorisation under the seal of the company, or from any other officer of the company if duly authorised in writing by any director or by the secretary.

Goods in respect of which bills of lading or shipping receipts have been signed before the publication of these Regulations are exempt from these requirements.

**\*58.** No person shall, without a licence in writing from the Board of Customs or such other person or persons as may at any time hereafter be appointed for the purpose by the Commissioner for Finance, export or ship any provisions or food-stuffs, or any animal, poultry, or bird, alive or dead, suitable for food. Any person contravening the provisions of this Regulation shall be guilty of an offence against these Regulations.

**\*59.** No person shall, without the written consent of the Board of Customs or the principal Officer of Customs of the port of shipment, export or ship as ship's stores any goods, articles, live or dead-stock, the exportation of which is or may be prohibited by any Statute, Regulation or Proclamation now or hereafter in force, and any person contravening the provisions of this Regulation shall be guilty of an offence against these Regulations.

**\*60.** No person shall, without the written consent of the Board of Customs or the principal Officer of Customs of the port of shipment export any cattle or live-stock of any description. Any person contravening the provisions of this Regulation shall be guilty of an offence against these Regulations.

\*Regulations 56 to 60 revoked by Regulations of same date.

\*\*Added by amending Regulation of same date.

61. (a) The Governor in Commission may from time to time by Proclamation, published in the Newfoundland Gazette, prescribe the maximum prices for which any article of food may be sold wholesale *or retail*\*\* and may prescribe different prices for different parts of the Island, \*\*\**and different prices for different grades or classes of articles of food* and may from time to time revoke, alter, vary, or add to any Proclamation. Any person contravening the provisions of any Proclamation made hereunder shall be guilty of an offence against these Regulations.

(b) Every person trading or dealing in or possessing stocks of any article of food shall upon the request of any officer thereto authorized by the Commissioner for Public Health and Welfare furnish to such officer full particulars—

- (1) of all stocks of such article of food in his possession or control;
- (2) of all purchases abroad of any articles of food made by him not yet arrived in this country, together with full particulars of the same and their probable date of arrival;
- (3) the purchase price, freight and other costs and charges paid or to be paid by him for any such article of food.

\*(c) For the purposes of this Regulation "food" shall be held to include food for animals.

\*\*\*Added by amending Regulation of same date.

62. No one shall melt down, break or use otherwise than as currency any gold or silver coin which is for the time being current in Newfoundland or in the United Kingdom or any British Possession, and if any person acts in contravention of this Regulation he shall be guilty of an offence against these Regulations.

Any person who sells or purchases or offers to sell or purchase any gold or silver coins current in Newfoundland or in the United Kingdom or in any British possession for an amount exceeding the face value of the coin or accepts or offers to accept any such coins in payment of a debt or otherwise for an amount exceeding its face value shall be guilty of an offence against these Regulations.

Notwithstanding anything in this Regulation to the contrary, it shall be lawful for the Commissioner for Finance, with the approval of the Governor in Commission, from time to time to license any Bank to sell or purchase, or offer to sell or purchase, any gold or silver coins as aforesaid for an amount exceeding the face value of the said coins or to export the said coins upon such terms, and subject to such conditions as the Commissioner may prescribe, and such license may be either general or special.

63. If the Commissioner for Justice has reason to suspect that any house, building, land, vehicle, vessel, aircraft, or other premises, or any things therein are being or have been constructed, used or kept for any purpose or in any way prejudicial to the public safety or the defence of the Island, or that an offence against these Regulations is being or has been committed thereon or therein, any person duly authorized by him may enter, if need be by force, the house, building, land, vehicle, vessel, aircraft, or premises at any time of the day or night and examine, search and inspect the same or any part thereof, and may seize anything found therein which he has reason to suspect is being used or intended to be used for any such purpose as aforesaid, or is being kept or used in con-



travention of these Regulations (including, where a report or statement in contravention of Regulation 32 or Regulation 47 has appeared in any newspaper or other printed publication, any type or other plant used or capable of being used for the printing or production of the newspaper or other publication), and the Commissioner for Justice may order anything so seized to be destroyed or otherwise disposed of.

64. Any naval, military or air force officer, or any soldier, sailor or airman engaged on sentry patrol or in other similar duty, and any police officer may stop any vehicle in motion, and, if he has reason to suspect that the vehicle is being used for any purpose or in any way prejudicial to the public safety or the defence of the Island, may search and seize the vehicle and seize anything found therein which he has reason to suspect is being used or intended to be used for any such purpose as aforesaid.

65. It shall be the duty of any person, if so required by any naval, military or air force officer, or by a soldier, sailor or airman engaged on sentry patrol or other similar duty, or by a police constable, to stop and answer truly any questions which may be addressed to him, and if he refuses to do so, he shall be guilty of an offence against these Regulations.

66. The Governor in Commission may by order require any person or persons of any class or description to furnish him, either orally or in writing, with such information as may be specified in the order, and the order may require any person to attend at such time and such place as may be specified in the order for the purpose of furnishing such information to such person as may be authorized to receive the same, and if any person fails to comply with the order he shall be guilty of an offence against these Regulations.

67. If any person, orally or in writing, in any report return, declaration, or application, or in any document signed by him or on his behalf of which it is his duty to



ascertain the accuracy, knowingly makes or connives at the making of any false statement or any omission, with intent to **mislead any officer** of the Government or any naval, military, air force or police officer or other person acting under the order of any such officer, in the execution of his duties, he shall be guilty of an offence against these Regulations.

68. No person shall obstruct or otherwise interfere with or impede, or withhold any information in his possession which he may reasonably be required to furnish from any officer or other person who is carrying out the orders of the Governor in Commission or who is otherwise acting in accordance with his duty under these Regulations, and if he does so shall be guilty of an offence against these Regulations.

69. If any person does any act of a nature which may be prejudicial to the public safety or the defence of the Island and is not specifically provided for in the foregoing Regulations, he shall be deemed to be guilty of an offence against these Regulations.

70. The Governor in Commission or any person by whom an order is made in pursuance of these Regulations shall publish notice of the order in such manner as he may consider best adapted for informing persons affected by the order, and no person shall without lawful authority deface or otherwise tamper with any notice posted up in pursuance of these Regulations, and, if he does so, shall be guilty of an offence against these Regulations.

71. It shall be the duty of every person affected by any order issued by the Governor in Commission or other person in pursuance of these Regulations to comply with that order, and if he fails to do so he shall be guilty of an offence against these Regulations.

72. Any person who attempts to commit, or procures, aids or abets, or does any act preparatory to the commission of any act prohibited by these Regulations, or har-

bours any person whom he knows, or has reasonable grounds for suspecting to have acted in contravention of these Regulations, shall be guilty of an offence against these Regulations.

73. It shall be the duty of any person who knows that some other person is acting in contravention of any provision of these Regulations to inform the Chief of Police or the senior police or ranger officer in his vicinity, and if he fails to do so he shall be guilty of an offence against these Regulations.

74. The Governor in Commission may from time to time appoint such persons as he may consider necessary for carrying any of these Regulations into effect, and he may confer on such persons so appointed such powers as may be necessary or expedient to give effect to these Regulations or any of them.

75. If any person acts in contravention of or fails to comply with any provisions of these Regulations, he shall be liable, on summary conviction before a Stipendiary Magistrate, to imprisonment with or without hard labour for a term not exceeding one year, or to a fine not exceeding five thousand dollars, and in default of payment of such fine to imprisonment with or without hard labour, for a further term not exceeding six months; and the Court before which he is convicted may, either in addition to or in lieu of any such punishment, require him to enter into recognisances, with or without sureties, to comply with the provisions of these Regulations or such provisions thereof as the Court may direct.

If any person fails to comply with an order of the Court requiring him to enter into recognisances, any Court of Summary Jurisdiction may order him to be imprisoned with or without hard labour, for any term not exceeding six months.

76. Any person claiming to act under or to hold any permit or permission granted under or for the purpose of

these Regulations shall, if at any time he is required to do so by any person authorized by the Governor in Commission, or by any naval, military or air force officer, or by any sailor, soldier or airman engaged on sentry patrol or other similar duty, or by any officer of Customs and Excise, officer of police or aliens officer, produce the permit or permission for inspection, and if he refuses to do so he shall be guilty of an offence against these Regulations.

Any holder of a permit or permission granted under or for the purpose of any provision of these Regulations shall, if at any time he is required to do so by any person authorized by the Governor in Commission, or by any naval, military or air force officer, or by any sailor, soldier or airman engaged on sentry, patrol or other similar duty, or by any officer of Customs and Excise, officer of police or aliens officer, produce the permit or permission for inspection, and if he refuses to do so he shall be guilty of an offence against these Regulations.

Any permit or permission granted under or for the purposes of any provision of these Regulations may at any time be revoked.

77. These Regulations may be cited as the Newfoundland Defence Regulations.

## **ANNEX.**

### **Matters in Respect of Which Particulars are to be Furnished by Aliens**

Name.

Nationality and birthplace.

Occupation.

Sex.

Age.

Personal description and, if so required, a photo of the alien.

Description maps (if any).

Finger prints, if so required.

Place of residence (including nature of tenure or occupancy).

Place of business (if any).

Date of commencement of residence.

Whether the alien has been or is in the service of any foreign Government, and, if so, for how long and in what capacity.

**Note**—If the alien has a household, he must furnish the particulars aforesaid, not only as respects himself, but also as respects every alien who is living as a member of his household.

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Under the provisions of Section 1 of the Defence Act, 1939, His Excellency the Governor in Commission has been pleased to make the following Regulations.

The 15th of September, A.D., 1939.

W. J. CAREW,  
Secretary of the Commission of Government.

## **FOREIGN EXCHANGE CONTROL REGULATIONS (1939)**

### **REGULATIONS MADE UNDER SECTION 1 OF THE DEFENCE ACT, 1939**

**1** These provisions may be cited as the Foreign Exchange Control Regulations.

**2** In these regulations, unless the context otherwise requires:

- (a) "Authorized dealer" means an authorized dealer in foreign exchange, appointed by or under the authority of these regulations.

- (b) "Board" means The Foreign Exchange Control Board established by these regulations.
- (c) "Foreign Currency" means any currency other than Canadian dollars.
- (d) "Foreign Exchange" includes any foreign currency and any bank balance or deposit, bill of exchange, cheque, draft, letter of credit, or other similar credit instrument, order to pay or promise to pay, which is payable in any foreign currency, whether absolutely or conditionally or optionally or otherwise.
- (e) "Non-residents" means any person other than a resident and for the purpose of these regulations a foreign branch or agency of any resident shall be deemed to be a non-resident, and a separate entity from such residents.
- (f) "Resident" means any person ordinarily resident in Newfoundland or Canada but excluding any branch or agency outside Newfoundland or Canada of any resident, and the Board shall have full power to determine who is or shall be deemed to be a resident for the purposes of this order.
- (g) "Commissioner" means the Commissioner for Finance.

3. These regulations shall be deemed to have come into force at midnight (Daylight Saving Time) September 15th, 1939.

## **PART I.**

### **Foreign Exchange Control Board**

4. There shall be and is hereby established a Board under the name of the Foreign Exchange Control Board

which shall consist of not more than three persons to be nominated by and to hold office during pleasure of the Governor in Commission. The first members of the Board shall be the Commissioner for Finance, the Commissioner for Natural Resources, and the Secretary for Customs. Each member may at any time and from time to time appoint an alternate to act in his place and stead.

5. The Commissioner for Finance shall be Chairman of the Board, and two shall form a quorum.

6 (1) The Board may appoint technical advisers or an Advisory Committee to assist them, and may make arrangements that a Bank in Newfoundland may be authorized to act as agent or banker for the Board, and to deal in foreign exchange for account of the Board and otherwise to assist or act on behalf of the Board.

(2) The Board may appoint agents for such purposes as the Board may determine.

7 No member of the Board shall be personally liable and no suit shall be maintained against him in any court for or in respect of any act or omission of the Board or any act or omission of himself or any other member in the performance or purported performance of his functions as a member of the Board.

## **PART 2.**

### **Controlling of Foreign Exchange and Foreign Trade and related matters.**

8. No person shall purchase, borrow, or otherwise acquire or sell, lend or otherwise dispose of, deal in, or otherwise deal with any foreign exchange whether absolutely or conditionally or by way of arbitrage or otherwise as principal or agent, or otherwise howsoever, except



as may be permitted by or under the authority of these regulations.

\*9. No bullion, gold or silver coins, or such coins as are legal tender in the Island, or other currency or credit instruments or securities or evidence of indebtedness payable in Canadian or foreign currency shall be exported from Newfoundland by any person, or transferred by any resident to any non-resident to, or to the account of, a non-resident except under licence or permit granted by the Board or in such cases as the Board may, by regulation or otherwise, exempt from the provisions of this Section.

10 (i) All foreign exchange which, or any right, title, or interest in or to which is in possession, ownership or control of any resident of Newfoundland at the time of coming into force of these regulations shall, unless the Board otherwise provides, be forthwith declared to the Board in such manner as the Board may determine and shall not be used or dealt with except as permitted by the Board.

(ii) The Board may at any time require all or any of such foreign exchange or any other title or interest of such resident to be sold or assigned to the Board, or to any authorized dealer at rates fixed by the Board.

(iii) All bonds, debentures and debenture stock and other similar securities which are not yet payable or the principal amount of which is not expressed exclusively in Canadian currency, and all shares in the capital stock of any Company or Corporation whose Head Office is not in Newfoundland or in Canada, and being

\*Substituted by Regulations of November 25, 1939.

securities or shares which, or any right, title or interest in or to which is in the possession, ownership or control of a resident of Newfoundland at the time of coming into force of these regulations, shall unless the Board otherwise provides, be forthwith declared to the Board in such manner as the Board may determine, and shall not be used or dealt with except as permitted by the Board.

11. All foreign exchange which, or any right, title or interest in or to which at any time after the coming into force of these regulations, comes into the possession, ownership or control of any resident (other than foreign exchange acquired by or purchased from an authorized dealer or the Board, and required for the purposes for which it was so acquired) shall, unless the Board otherwise provides, be forthwith declared to the Board in such manner as the Board may determine and offered for sale or assignment to any authorized dealer at rates fixed by the Board.

\*(iv) The Board may refuse to issue a licence or a permit under this regulation without assigning any reason for such refusal.

\*(v) If any person, whether the holder of a licence under this regulation or not, shall, except with the written consent of the Board, tranship or divert or be a party to or otherwise concerned in any way whatsoever in the transshipment or diversion of any goods to any destination other than the destination shown on any licence granted under this regulation in respect of such goods, whether such transshipment or diversion be made before or after the goods reach the destination shown on the said licence, he shall be guilty of an offence against these regulations and, in any prosecution against the person, to whom a licence under this regulation has been issued,

\*Added by Regulation of July 15, 1940,

XXXV]

for any such offence, proof that the goods reached a destination other than that shown in the said licence shall establish a prima facie case against such person and the onus shall rest on such person to prove that the goods did not reach a destination other than that shown on the said licence or that, if they reached any other such destination, he did not tranship or divert such goods and was not a party to or otherwise concerned in any way whatsoever in such transhipment or diversion.

\*(vi) Every person who applies for a licence to export goods under this regulation shall do so in writing in such form as may be prescribed by the Board and shall disclose to the Board and set forth in such application in addition to all other matters required by the Board to be set forth therein, the name of the purchaser or consignee of the goods to be exported and the names of all persons by or through whom sale is being or has been effected as agents for the purchaser or the seller or otherwise and any person failing to disclose to the Board and to set forth on the application all such names shall be guilty of an offence against these regulations.

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### **PART 3.**

#### **Exports**

12. (i) No person shall export any goods or other property from Newfoundland except under and in accordance with the terms of a licence granted by the Board.
- (ii) No person shall accept payment in Canadian dollars for any goods or other property exported or to be exported by him, except under and in accordance with the terms of a permit granted by the Board authorizing the ac-

\*Regulations 56 to 60 revoked by Regulations of same date,

ceptance of payment in such manner; provided that this subsection shall not apply with respect to any sale or contract for sale for export entered into prior to the date on which these regulations come into force and providing for payment of the purchase price or other consideration in Canadian dollars.

- (iii) This subsection shall not apply in any case in which the Board grants exemption by rule or otherwise.

**13.** It should be a condition of every licence to export, whether or not expressly contained therein, that the proceeds in foreign exchange, if any, of the sale of all goods or other property exported or to be exported thereunder shall be declared and offered for sale to the Board or an authorized dealer as provided in Section 11 hereof.

#### **PART 4.**

##### **Imports.**

- 14.** (i) No person shall import any goods or other property into Newfoundland except under and in accordance with the terms of the licence granted by the Board.
- (ii) No person shall make payment in Canadian dollars for any goods or other property imported or to be imported by him except under and in accordance with the terms of a licence or permit granted by the Board authorizing the making of payment in such manner; provided that this subsection shall not apply to any purchase or contract to purchase for import entered into prior to the date on which these regulations come into force, and providing for payment of the purchase price or other consideration in Canadian dollars.

- (iii) This section shall not apply in any case in which the Board grants exemption by rule or otherwise.

## PART 5.

### Applications to buy or sell Foreign Exchange

15. Every application to buy or sell foreign exchange shall be made to the authorized dealer of the applicant, who may fix the rate of exchange subject to the provisions of these regulations.

16. (i) No authorized dealer shall fix a rate of exchange for foreign exchange required by the applicant for any purpose, unless the application is in the opinion of such authorized dealer for normal requirements as hereinafter defined.

- (ii) Normal requirements, for the purposes of this section, shall mean with relation to any application:—

(a) Foreign exchange for payment for goods or merchandise imported into Newfoundland within the usual scope of the applicant's business.

(b) Foreign exchange for payment for services of a normal nature such as insurance premiums and claims, agents' commissions, salaries, freights, dues, patent rights, royalties and other payments of a like character.

(c) Foreign exchange for reasonable travelling expenses or personal expenses.

- (iii) The authorized dealer may submit any application to the Board and shall submit to

the Board any application the approval of which or the fixing of a rate in connection with which is not within his authority.

XXXIX

17. Unless the Board otherwise provides, every person desiring to obtain foreign exchange to be used for the payment of interest on any loan, or for the repayment or amortization of any loan or any part thereof, or for the payment of dividends, or for any purpose incidental to any of the foregoing, shall apply therefor at least thirty days prior to the date on which such foreign exchange is required, and every such application shall be submitted to the Board by the authorized dealer.

#### **PART 6.**

##### **Applications to make payments in Canadian Dollars from a resident to a non-resident, or to export Canadian currency.**

18. (i) Unless the Board otherwise provides, every application for permission to make any payment in Canadian dollars from a resident to a non-resident, and every application to export Canadian currency, shall be made to an authorized dealer.

(ii) The authorized dealer shall have the same authority with respect to such an application as though it were an application to purchase foreign exchange, and shall submit to the Board any application the approval of which is not within his authority.

#### **PART 7.**

##### **Authorized Dealers.**

19. (i) The following banks operating in Newfoundland shall have the powers and duties of an



authorized dealer in Newfoundland pursuant to these regulations: The Bank of Montreal, The Royal Bank of Canada, The Bank of Nova Scotia, and the Canadian Bank of Commerce.

- (ii) The Board may appoint other authorized dealers and may revoke any such appointment.

20. The authority of authorized dealers shall at all times be subject to the rules and instructions of the Board, and any authority herein conferred or restricted may be limited, modified or expanded, by the Board at any time and from time to time.

- 21. (i) Where any rate of exchange is fixed for any transaction in foreign exchange pursuant to these regulations, the authorized dealer designated in the application, declaration or other instrument in which such rate of exchange is fixed shall buy or sell the relative foreign exchange from or to the person applying in that regard, and shall account to the Board for the same amount of foreign exchange at the same rate of exchange as that applicable to the transaction between the authorized dealer and the applicant.

- (ii) Settlements between the Board and the authorized dealer shall be made at such times and in such manner as the Board shall prescribe.

## PART 8.

### General

- 22. (i) The Board may make rules, not repugnant to these regulations, for any of the following purposes:—

- (a) Prescribing the forms to be used, and the circumstances of their use, for the purposes of these regulations.
- (b) Prescribing the procedure to be followed by applicants, authorized dealers and other persons in connection with any matter arising under or in pursuance of these regulations.
- (c) Generally with respect to any matter arising in the course of, or connected with, or ancillary to, the Board's operations, or making such other provision as may be deemed necessary for the efficient administration of these regulations and for carrying out their provisions;

and may amend or repeal any such rule.

- (ii) Any such rule, amendment or repeal shall be published in the Newfoundland Gazette, and shall have the same force and effect as if it were expressly set forth in these regulations.

**23.** Every Collector of Customs and Immigration Officer shall if so required by the Board act as agent for the Board with relation to the issuing of export and import licences and in connection with the enforcement of these regulations, and shall have such authority in that behalf as the Board may prescribe by rule.

**24.** If any person is dissatisfied with any decision or rule of the Board he may, if the Board so permits, appeal in writing to the Commissioner, who shall have power to decide the question at issue and may if he sees fit exempt the appellant wholly or partly from any regulation of the Board.

**25.** All transactions in foreign exchange permitted hereunder by any person with an authorized dealer shall

be and be deemed to be entered into with the authorized dealer and not with the Board, and the Board shall not incur any obligation to any such person.

## PART 9

### Enforcement Provisions.

26. (1) Every person shall be guilty of an offence who,

- (a) in any application or declaration under these regulations makes any statement which to his knowledge is false or misleading or which he had not reasonable grounds for believing to be true; or,
- (b) deceives or misleads or attempts to deceive or mislead the Board or an authorized dealer or a Collector of Customs or any other person concerned in the administration of the provisions of these regulations; or,
- (c) being the holder of a licence or permit commits or attempts to commit a breach of any of the general or special conditions of such licence or permit or fails to comply with any of such conditions; or,
- (d) violates or attempts to violate any other provision of these regulations or any regulation of the Board; or
- (e) aids or abets the commission of any offence under the provisions of these regulations.

(2) It shall be an offence for any transportation agency or employee thereof to transport or assist in transporting from Newfoundland any property for which an export licence is required unless such licence has been obtained, or to

remove any imported goods or other property from any Customs port for delivery within Newfoundland for which an import licence is required unless such licence has been obtained.

27. (1) Every person guilty of offence under these regulations shall be liable on summary conviction to a fine not exceeding One Thousand Dollars and in default of payment to imprisonment for not more than six months, or to imprisonment for not more than six months, or to both fine and imprisonment.

(2) In addition to any other penalty, any person who, contrary to the provisions of these regulations, exports or attempts to export from Newfoundland any goods or other property, or imports or attempts to import into Newfoundland any goods or other property, or buys or sells or otherwise deals with or attempts to buy or sell or otherwise deal with any foreign exchange or foreign securities, or fails to declare any foreign exchange or foreign securities, may be fined an amount not exceeding twice the value of the same, and in addition such goods or other property by whomsoever owned may be declared by the court trying the case to be forfeit to the Crown or to have been forfeit at the time of the relative offence under these regulations.

28. Fines imposed under the last preceding subsection of this Order shall vest in the Crown. No Collector of Customs shall permit the export or import of any goods or other property through any port over which he has authority, unless he or an officer acting for him is satisfied that no licence is required for such export or import, or that the appropriate licence has been obtained.

29. If the requisite import licence be not obtained and produced to the Collector of Customs within thirty

days of which a licence is required, and which has been held at a Customs port pending the production of such licence, the Collector of Customs may cause such property to be destroyed, or to be sold by public auction to the highest bidder and the proceeds thereof, in case of sale, shall be applied to the payment of duties and charges, and the surplus, if any, after discharging the vessel's lien or other charges for transportation shall be deposited to the credit of the Consolidated Revenue Fund.

30. Any person who on any occasion is about to leave Newfoundland (which person is hereafter in this section referred to as "the traveller") shall, if required by any Customs officer or other person thereunto authorized, declare whether he has with him any goods, currency, securities, foreign exchange or other property, and shall produce any such property which he has with him; and the officer or other authorized person, and any person acting under his directions, may search the traveller and examine or search any article which the traveller has with him, and shall seize any such property which the traveller has with him, unless the export of the same is permitted by or under the authority of these regulations.

31. (1) The Board and each member of the Board may require any person to furnish such information as the Board or such member of the Board may deem necessary, and shall have power to summon any person to give information under oath or otherwise, and to produce books and documents, at such time and place and in such manner as the Board or member of the Board may require

(2) Every member of the Board shall have power to administer oaths and receive affidavits and statutory declarations.

32. The Board may appoint Inspectors to assist in the enforcement of the provisions of these regulations who

shall have power to obtain from any person such information under oath or otherwise, and whether orally or in writing or by inspection of documents or other evidence, as the Board may deem necessary.

**33.** At the request of the Board or any Inspector appointed by the Board or of any duly authorized representative of the Board, officers and employees of the Post Office, member of the Constabulary or of the Ranger Force shall take such action by way of detention or search of persons or property, or disclosure of information in their possession, as the Board, its Inspector or authorized representative may deem necessary for preventing violations of the provisions of these regulations or ascertaining whether any violation has taken place, or is likely to take place, or for ensuring the arrest and conviction of any person who may have violated or be violating any provision of these regulations, or for obtaining evidence of or relating to any past, present or future violation, or suspected or attempted violation; and all such officers and employees shall have full authority to take any such action upon such request.

**34.** In case of any conflict between these regulations and any law in force in Newfoundland, the provisions of these regulations shall prevail.



**The Foreign Exchange Acquisition Regulations, 1940**

**Regulations made by the Governor in Commission under  
Section 1 of the Defence Act, 1939.**

1. For the purpose of these regulations:

(i) "foreign currency" means any currency other than Canadian and Newfoundland currency, including bank notes and other notes intended to circulate as money in any country outside Canada and Newfoundland, and also postal notes, money orders, cheques, travellers' cheques, prepaid letters of credit, bank drafts and other similar instruments payable in any currency other than Canadian currency and includes any foreign currency deposit, but does not include coin;

(ii) "foreign currency deposit" means any amount in foreign currency of which a resident of Newfoundland has a right to obtain payment by reason of a deposit, credit or balance of any kind at or with a bank, savings bank, trust company, loan company, stockbroker, investment dealer or other similar depositary or any other person or institution designated by the Board as a depositary for the purposes of these regulations;

(iii) "Board" means the Newfoundland Foreign Exchange Control Board.

2. (a) Every resident of Newfoundland, who on April 30th, 1940, had any foreign currency in his possession, ownership or control, whether in Newfoundland or outside Newfoundland, shall forthwith do all things necessary for the purpose of having such foreign currency paid to an Authorized Dealer and shall sell, transfer and assign the same to an Authorized Dealer at a price in Canadian dollars determined and payable in accordance with the provisions of Regulation No. 5 hereof.

(b) A resident of Newfoundland required to make any sale of foreign currency pursuant to this paragraph shall be deemed to be in default and liable to the penalties hereinafter provided if such sale is not made on or before May 31st, 1940, provided the Board may extend the time within which default shall not be deemed to have occurred.

(c) Any person who becomes a resident of Newfoundland subsequent to April 30th, 1940, shall be subject to the provisions of these regulations but with the date upon which such person becomes a resident substituted throughout these regulations for April 30th, 1940, and the thirty-first day subsequent to the date upon which such person became a resident substituted for May 31st, 1940.

(d) Authorized Dealers shall be subject to the provisions of these regulations in the same manner as other residents, except that any required sale of foreign currency shall be made direct to the Board in such manner as the Board may prescribe.

(3) (a) A resident of Newfoundland, who on April 30th, 1940, had a foreign currency deposit in pounds sterling or United States dollars which arose out of the sale of foreign securities subsequent to September 15th, 1939, and was on April 30th, 1940, being held temporarily pending reinvestment, may not later than May 31st, 1940, invest such foreign currency in readily marketable foreign securities in the United Kingdom or the United States respectively, and any amount so invested shall not be subject to the provisions of Paragraph 2 of these regulations.

(b) Any pounds sterling or United States dollars received by a resident of Newfoundland not later than May 7th, 1940, consequent upon a sale of foreign securities effected or ordered to be effected prior to May 1st, 1940, or received not later than May 7th, 1940, consequent upon the maturing of foreign securities, may also be invested in accordance with the preceding sub-paragraph.

XLVIII

4. (a) Commencing May 1st, 1940, any resident of Newfoundland, who has any foreign securities in his possession, ownership or control, which, or the certificates or instruments representing which, were physically located in the United Kingdom or the United States at that date or are exported from Newfoundland subsequent to that date, may in such country switch into other similar foreign securities by selling any or all of such securities and reinvesting the proceeds of any such sale in other similar foreign securities, provided:

- (i) Every such sale and reinvestment shall be effected through a Canadian or Newfoundland stockbroker or investment dealer, including any branch of a bank; and
- (ii) Only readily marketable foreign securities shall be so purchased and every such sale and reinvestment made in the same country; and
- (iii) The purchase shall precede the sale and the amount reinvested shall not exceed the proceeds of such sale; and
- (iv) If the proceeds of sale exceed the amount reinvested, the excess, unless applied to a debit balance of the resident which existed in connection with such securities on April 30th, 1940, shall be forthwith sold to an Authorized Dealer; and
- (v) The definition of similarity shall be within the discretion of the Board.

(b) Save as provided in these regulations, the proceeds in foreign exchange on the maturity or sale on or after May 1st, 1940, of foreign securities in the possession, ownership or control of a resident of Newfoundland shall, unless the Board otherwise provides, be forthwith sold to an Authorized Dealer.

5. (a) Where any sale of foreign currency is made by a resident to an Authorized Dealer pursuant to Regulation No. 2 of these regulations, the price to be paid by the Authorized Dealer shall be determined as follows:

- (i) In the case of pounds sterling or United States dollars, the price in Canadian dollars shall be determined by the Board's buying rate for such currency on April 30th, 1940, subject to normal bank collection charges (if any);
- (ii) In the case of any currency which is the local currency of any part of the British Empire (excluding Hong Kong) or of Egypt, the Anglo-Egyptian Sudan or Iraq, the price in Canadian dollars shall be determined by the amount of pounds sterling actually obtained by the Authorized Dealer for such local currency, converted at the Board's buying rate for pounds sterling on April 30th, 1940, subject to normal bank collection charges (if any);
- (iii) In the case of any other currency, the price in Canadian dollars shall be determined by the amount of United States dollars actually obtained by the Authorized Dealer for such other currency, converted at the Board's buying rate for United States dollars on April 30th, 1940, subject to normal bank collection charges (if any).

(b) The price to be paid by the Authorized Dealer shall not be payable until the Authorized Dealer or the Board is satisfied that the relative foreign currency has been fully and effectively sold, transferred and assigned to the Authorized Dealer so that such foreign currency (or its proceeds in pounds sterling or United States dollars, as the case may be) is capable of being made immediately available to the Board.

(c) When a resident offers for sale to an Authorized Dealer any foreign currency which is not freely con-

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vertible into pounds sterling or United States dollars, the Authorized Dealer may refuse to purchase such foreign currency or may cancel any purchase already made; in any such case, unless otherwise directed by the Board, the resident may continue to hold such foreign currency, but shall not make any use or disposition of such foreign currency or right without the permission of the Board.

6. (a) No resident shall be required by these regulations to sell any foreign currency which

(i) is required for disbursement by such resident not later than July 31st, 1940, for a purpose authorized by the Board under a general or special authorization; or

(ii) has been sold to an Authorized Dealer by a forward exchange contract entered into on or before April 30th, 1940; or

(iii) was acquired by such resident as a result of a purchase of foreign exchange from an Authorized Dealer and is required for disbursement not later than July 31st, 1940, for the purpose for which such foreign exchange was purchased.

(b) No resident shall be required by these regulations to sell any foreign currency if he satisfies the Board not later than May 31st, 1940, or any subsequent date fixed by the Board, that all the persons beneficially interested in such foreign currency on April 30th, 1940, were non-residents and that their beneficial interest had not been acquired from a resident subsequent to September 15th, 1939, except as approved by the Board.

(c) An insurance company licensed to do business in Newfoundland may continue to disburse foreign currency as required in connection with carrying on the business of insurance outside Newfoundland, and shall not be required by these regulations to sell any amount of foreign



currency which the company establishes to the satisfaction of the Board not later than May 31st, 1940, or any subsequent date fixed by the Board to be required for the purpose of carrying on business outside of Newfoundland.

(d) A resident of Newfoundland, who operates a foreign currency bank account or accounts under a permit granted by the Board, may continue to make normal deposits to and disbursements from such account or accounts of a kind approved by the Board within the terms of such permit, provided that the amount of any foreign currency on deposit in such account or accounts shall not, at any time during each successive three months period commencing with the period May 1st to July 31st, 1940, exceed the amount which such resident shall establish to the satisfaction of the Board to be required for disbursements during each such period respectively, for ordinary commercial purposes within the terms of such permit, and any excess shall be forthwith sold to an Authorized Dealer under the provisions of these regulations.

(e) The Board may permit any resident affected by the provisions of these regulations to continue to hold or dispose of any foreign currency upon such terms and conditions as the Board may prescribe.

7. For the purpose of ensuring compliance with these Regulations it shall be lawful for the Board or for any person authorized on their behalf to require that a resident shall furnish particulars of any foreign currencies in his possession on April 30th, 1940, and of any other matters in relation to such foreign currencies as may be required by the Board or by any person on their behalf with a view to the carrying out these regulations.

8. Every person shall be guilty of an offence under these regulations and shall be liable on summary conviction or on indictment to a fine not exceeding One Thousand Dollars and in default of payment to imprisonment for not more than six months, or to imprisonment for not



more than six months, or to both fine and imprisonment, who

- (i) being a resident of Newfoundland, makes any disposition of or in any way deals with any foreign currency affected by these regulations otherwise than as permitted or required by these regulations; or
- (ii) being a resident of Newfoundland, fails to comply with any of the provisions of these regulations; or
- (iii) being a resident of Newfoundland, fails to disclose to the Board upon request any information in his possession respecting any foreign currency held by him or by any other resident of Newfoundland; or
- (iv) being a resident of Newfoundland, permits any disposition of or dealing with foreign currency contrary to the provisions of these regulations; or
- (v) aids or abets or conspires with any person to aid or abet the commission of any offence under these regulations.

9. (a) These regulations shall be read in conjunction with the Foreign Exchange Control Regulations, 1939, and the Newfoundland Foreign Exchange Control Board shall have the same powers and duties with respect to the provisions of these regulations as if such provisions were included in the Foreign Exchange Control Regulations.

(b) In case of any conflict between these regulations and any law in force in Newfoundland, the provisions of these regulations prevail.

(c) These regulations may be cited as the Foreign Exchange Acquisition Regulations, 1940.

## REGULATIONS RESPECTING PROHIBITED PLACES

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Under the provisions of the Defence Act, 1939, His Excellency the Governor in Commission has been pleased to make the following further regulations.

Dated this 16th day of July, A.D. 1940.

W. J. CAREW,  
Secretary of the Commission of Government.

1. In these regulations and in any regulations expressed to be made in addition or amendment hereto any reference to a prohibited place shall be held to apply to the following:

(a) Any of the places named and described in the Schedule hereto.

(b) Any prohibited place named and described in any regulations in amendment or addition to these regulations.

2. Save as provided in these or in any regulations in addition or amendment hereto, no person shall enter upon or attempt to enter upon any prohibited place.

3. No person shall have in his possession or under his control within a prohibited place or within two hundred yards of any part of such place any photographic or other apparatus, or other matter or thing suitable for use in making any photographs, sketch, plan, model, or other like representation.

4. No person shall take or make or attempt to take or make any photograph, sketch, plan, measurement, model or other representation of any prohibited place or any part thereof or of any building, erection, work, person or thing thereupon.

5. If there are persons resident in any prohibited place, the Commissioner for Defence may appoint a per-

son to act as a registration officer in such place and to set up a register of persons, resident therein.

6. The appointment of such person and the setting up of such register shall be notified to the persons in the prohibited place by a notice which shall be in such form and published or posted in such manner as the Commissioner for Defence shall direct.

7. The Commissioner for Defence may by any such notice require all persons over the age of ten years residing in a prohibited place to report to the registration officer named in the notice within such time as shall be specified therein and to furnish to such officer in writing or otherwise, such particulars as may by such notice be required or as such officer may deem necessary to establish the identity of such persons.

8. Any registration officer or any person appointed by the Commissioner for Defence for the issue or examination of permits under these regulations may, if he sees fit, issue to any person an identity card and may require any person to furnish for the purpose of establishing his identity any photographs, fingerprints, signature or other means of identification.

9. There may be issued by the Commissioner for Defence, or by any person authorized by him in that behalf, permits in writing authorizing any person or persons to enter upon any prohibited place.

10. The Commissioner for Defence and any person authorized by him to issue permits may attach such conditions as may be deemed necessary by either of them to any permit issued under these regulations.

11. If a railway passes through any prohibited place, no person shall be deemed to have entered that prohibited place by reason only of the fact that he passes through such place as a passenger on any railway train or as an employee of the railway acting in the course of

his employment: Provided, nevertheless, that no person being a passenger on any such railway train shall descend from such train within the prohibited place and no person being an employee of such railway shall be in the prohibited place save upon the premises of the railway and for the purposes of carrying out his duties.

12. If a railway passes through any prohibited place, or if a highway, road or path passes within two hundred yards thereof, any person having in his possession or under his control any photographic or other apparatus or other matter or thing suitable for use in making any photograph, sketch, plan, model or like representation shall not be deemed to have contravened Regulation 3 hereof if such apparatus, matter or thing is contained in his baggage or in any closed package during the course of passage on such railway through the prohibited place, or on such highway, road or path within two hundred yards thereof, but if any such person shall have any such apparatus, matter or thing upon his person or ready for use during the course of such passage; he shall be guilty of a breach of Regulation 3 thereof.

13. If a railway passes through any prohibited place, no person shall enter or leave the prohibited place except as a passenger upon such railway and by entering or leaving a railway train at a railway station, and any such person shall if required enter or leave the railway premises at a specified place.

14. If any highway, road or path passes through a prohibited place, or within two hundred yards thereof, it shall be lawful for such persons as shall be authorized by the Commissioner for Defence to barricade such highway, road or path at any place or places on such highway, road or path, and to prevent any person or vehicle from passing over such highway, road or path or any part thereof.

15. If any highway, road or path passes within two hundred yards of any prohibited place no person shall

loiter thereupon or permit any vehicle to stop or remain standing thereupon.

16. No person being resident of a prohibited place shall leave the said place without having first reported to the registration officer appointed for such place the date of his intended departure, the place or places to which he proposes going, the purposes of his intended visit, the date of his intended return and such other particulars as the registration officer may require and the registration officer may issue to such person a permit authorizing his return to such prohibited place.

17. In respect of every prohibited place there shall be one or more permit officers who shall be appointed from time to time by the Commissioner for Defence and no person shall enter a prohibited place unless he shall, forthwith upon his arrival, produce his permit to a permit officer and identify himself to such officer.

18. It shall be lawful for any permit officer to require any person seeking admission to a prohibited place to declare in writing all articles which he carried with him as baggage or otherwise and it shall be lawful for such permit officer or any person appointed by him to search the person and the baggage of any person entering or attempting to enter any prohibited place provided that no female person shall be searched except by a female person.

19. It shall be lawful for a permit officer upon any search made under these regulations, to seize and detain any articles which he considers may be prejudicial to the public safety or the defence of the prohibited place and such articles shall be disposed of as the Commissioner for Defence shall decide.

20. If a person shall be in a prohibited place under a permit issued hereunder, he shall on demand, and in any event before leaving such place, deliver up to any permit officer the permit carried by him.



21. Every person to whom a permit or identity card has been issued under the regulations shall, if at any time he is required to do so by any naval, military or air force officer or by any sailor, soldier or airman engaged in sentry, patrol or other similar duty or by any police constable or ranger or by any person authorized thereunto by the Commissioner for Defence, produce such permit or identity card for inspection.

22. The Commissioner for Defence or any person thereunto by him authorized may, by notice in writing, order any person whether a resident of such place or not, to leave a prohibited place within such time as may in such notice be limited and any person who fails to obey such order shall be guilty of an offence against these regulations.

23. Any naval, military or air officer or any sailor, soldier or airman engaged on sentry, patrol or other similar duty, or any police constable or ranger, or any person authorized by the Commissioner for Defence, may arrest without warrant any person who has committed, or who is suspected of having committed or of being about to commit an offence against these regulations.

24. Any person found within, or within two hundred yards of a prohibited place may be stopped and searched by any naval, military or air officer or any sailor, soldier or airman engaged on sentry, patrol or other similar duty, or any police constable or ranger or by any person authorized by the Commissioner for Defence, and any articles found in the possession or under the control of such person contrary to any of these regulations, shall be seized and shall be delivered as soon as practicable to the Commissioner for Defence who may dispose of the same in any manner he may decide: Provided that no female person shall be searched except by a female person appointed in that behalf.

25. The Commissioner for Defence may exempt, by order in writing, any person or class of persons from



the operation of these regulations or any of them subject to such conditions as he may deem necessary.

26. Any exemption or permit granted under these regulations may at any time be revoked by the Commissioner for Defence or any person authorized by him so to do.

27. The Commissioner for Defence may cause to be erected at such place as he may decide on the boundary of any prohibited place sign or notice bearing the words "Prohibited Place" and in addition, if he sees fit, further words descriptive of the place and conveying a warning or other information in respect of these regulations. Every such sign or notice shall be identified by the word "Defence" which shall be inscribed thereon. There may, if the Commissioner deems fit, be erected in conjunction with any such signs or notices, any fence or other boundary marks.

28. If any person shall be within an area which is marked by any sign or notice erected under the preceding regulation or by any fence or other boundary marks erected in conjunction with any such sign or notice, he shall be deemed to be upon a prohibited place unless the contrary is proved.

29. The provisions of Regulation 70 of the Newfoundland Defence Regulations shall be held to apply in respect of all signs or notices erected or posted under these regulations.

30. Whenever in the Newfoundland Defence Regulations as published in the Gazette Extraordinary of September 1st, 1939, the expression "these regulations" occurs it shall be deemed to include the regulations herein contained.

31. The foregoing regulations are in addition to and not in substitution for any regulations of general application now or hereafter to be made under the Defence Act, 1939.

**32.** These Regulations shall be read with and form part of the Newfoundland Defence Regulations published in the Gazette Extraordinary of September 1st, 1939.

**33.** These Regulations may be cited as The Defence (Prohibited Places) Regulations.

## **SCHEDULE**

The places hereunder named and described are the prohibited places referred to in Section 1 of the foregoing regulations.

### **1. NEWFOUNDLAND AIRPORT**

#### **Description**

The Newfoundland Airport for the purpose of these regulations shall comprise all of that area situate within a radius of five miles of the station of the Newfoundland Railway at the Newfoundland Airport.

### **2. PLEASANTVILLE**

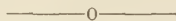
#### **Description**

Beginning at a point where the northern side of the highway running round the north side of Quidi Vidi Lake intersects the western side of the West Branch of the White Hills Road thence along the said northern side of the highway running round Quidi Vidi Pond two hundred yards to a point thirty-three yards from a bridge across a brook which flows from Virginia Lake into Quidi Vidi Lake, thence turning and running by a fence north thirty-five degrees east one hundred and twenty-seven yards, and thence north one degree west following the line of said fence thirty-two yards, thence north seventy degrees east following the line of said fence fifty-eight yards, thence south eighty-eight degrees east following the line of said fence one hundred and fifty-two yards to

a point on the western side of the West Branch of the White Hills Road, thence along the said western side of the West Branch of the White Hills Road two hundred and three yards to the point of commencement.

### 3. MOUNT PEARL.

ALL THAT piece or parcel of land situated and being on the Old Placentia Road in the District of St. John's West abutted and bounded as follows, that is to say, on the north for a distance of 17 chains more or less by land in the occupancy of one Calver, on the east for a distance of twenty-two chains more or less by the Mareoni Station Road, on the south for a distance of twenty chains more or less by the Old Placentia Road and on the west for a distance of twenty-two chains more or less by land in the occupancy of one Calver.



### REGULATIONS RESPECTING FIREARMS, AMMUNITION AND EXPLOSIVES

Under the provisions of the Defence Act, 1939, His Excellency the Governor in Commission has been pleased to make the following further Regulations.

Dated this 16th day of July, A.D. 1940.

W. J. CAREW,  
Secretary of the Commission of Government.

1. The Commissioner for Defence may from time to time by notice published in one or more daily newspapers or posted in any public place require all persons who have in their possession or under their control any firearms, ammunition or explosives, within such area as is described in the notice, to report the same within such time and to such authority or person as shall be stated therein.

2. The Commissioner for Defence shall appoint the authority or persons to whom report of firearms, ammunition and explosives shall be made as required by any notice under these regulations and shall define their duties, which shall include the recording of all firearms, ammunition and explosives reported and all such particulars in connection therewith as the Commissioner shall require.

3.—(1) The order contained in any notice under these regulations shall be deemed to apply to all persons who have firearms, ammunition and explosives of the kind to which the notice refers in their possession or under their control within the area to which the notice applies whether as the owners thereof or otherwise and also to all persons who occupy any premises within the said area in which any such firearms, ammunition and explosives may be, and in the case of premises occupied by an incorporated company the order shall apply to the manager or other principal officer of such company and to every official and employee of such company responsible for the custody of any firearms, ammunition and explosives and in the case of premises occupied by one or more persons jointly the order shall apply to all such persons.

(2) If any firearms, ammunition or explosives are not reported as required by these regulations or any notice hereunder then every person to whom the order contained in such notice applies who has failed to report the same shall be guilty of an offence.

4. Every person reporting pursuant to any notice under these regulations shall give to the person to whom the report is made and to any other person appointed in that behalf by the Commissioner for Defence all such information as shall be required of him whether at the time of report or thereafter in relation to the firearms, ammunition and explosives, including a description thereof and particulars as to the location and as to the use made thereof and the purposes for which the same are

held by him, and every such person shall if required produce the firearms, ammunition and explosives to the person to whom report is made or any person appointed in that behalf by the Commissioner for Defence.

5.—(1) The Commissioner for Defence may in respect of any area wherein a report of firearms, ammunition and explosives has been required by notice under these regulations, by a further notice published in such area in such manner as the Commissioner may decide, prohibit the sale, purchase or possession of firearms, ammunition and explosives or of any class thereof.

(2) Every such notice shall come into effect as from such date as shall be stated therein, and thereupon if any person shall buy or sell or have in his possession or under his control any firearm, ammunition or explosive save under and in accordance with any permit issued under these regulations he shall be guilty of an offence.

6. The Commissioner for Defence or any person authorized by him in that behalf may upon report made pursuant to any notice under these regulations or upon application made to him issue permits for any of the following purposes:

- (a) To authorize any person being the owner thereof or having any firearm, ammunition or explosive in his possession or under his control to retain the same;
- (b) to authorize any person to sell firearms, ammunition and explosives or any class thereof;
- (c) to authorize any person to purchase firearms, ammunitions and explosives or any class thereof.

7. The Commissioner for Defence may attach to any permit issued hereunder such conditions as he may see fit to ensure the safe custody and proper use of any firearms, ammunition and explosives in respect of which a permit



is issued and if any condition attached to a permit issued hereunder is not complied with the permit shall be rendered invalid and the firearms, ammunition or explosives held thereunder shall be deemed to be held in contravention of these regulations.

8. The Commissioner for Defence may refuse to issue any permit under these regulations without assigning any reason for such refusal and any permit issued hereunder may be revoked by him without assigning any cause and whether or not for breach of any regulations or for any condition attached to such permit.

9. In these regulations—

(1) “Firearm” means every kind of weapon for the discharge of a missile by an explosive and includes every such weapon whether or not in working order;

(2) “Ammunition” means the missiles for any firearm and includes cartridges, shot, grenades, bombs and other similar missiles whether such missile is capable of use with any firearm or not and ingredients and components thereof;

(3) “Explosives” means and includes gun-powder, blasting powder, nitro glycerine, gun cotton, dynamite, blasting powder, nitro-glycerine, gun cotton, dynamite, monium, explosive compounds of chlorate of potassium, fulminates of mercury or of other metals, fog and other signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every other substance whether chemical compound or mechanical mixture, which has physical properties similar to those of the substances above mentioned, and every adaptation or preparation of everything above mentioned.

10. Whenever in the Newfoundland Defence Regulations published in the Gazette Extraordinary of September 1st, 1939, the expression “these regulations” occurs

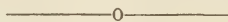


it shall be deemed to include the regulations herein contained.

11. The foregoing regulations are in addition to and not in substitution for any regulations relating to firearms, ammunition and explosives or of general application made under the Defence Act, 1939.

12. These regulations shall be read with and form part of the Newfoundland Defence Regulations published in the Gazette Extraordinary of September 1st, 1939.

13. These regulations may be cited as the Defence (Firearms, Ammunition and Explosives) Regulations.



### DEFENCE (ALARM) REGULATIONS

Under the provisions of the Defence Act, 1939, His Excellency the Governor in Commission has been pleased to make the following further Regulations.

Dated this 26th day of July, A.D. 1940.

W. J. CAREW,  
Secretary of the Commission of Government

1. In these regulations:

- (a) "Commissioner" means the Commissioner for Defence.
- (b) "Defence alarm" means any signal or communication prescribed by the Commissioner under Regulation 2 hereof.
- (c) "All clear signal" means any signal or communication prescribed by the Commissioner under Regulation 3 hereof.

(d) "Area to which a defence alarm applies" shall mean such area as may be prescribed by the Commissioner in respect of any defence alarm.

(e) "Civil defence officer" means any person appointed or authorized as such by the Commissioner to carry out any duties of civil defence including persons appointed as such for the enforcement of these regulations and persons who are appointed or authorized by the Commissioner as civil defence officers to undertake in the event of hostile attack, the provision of medical and nursing and ambulance services and to engage in rescue work and the work of fire brigades and work for the prevention of injury to and for the control of the civilian population.

2. The Commissioner may in respect of any area in Newfoundland make provision for the giving of public warning of hostile attack or of the apprehension of hostile attack by any signal or communication the nature of which shall be notified in advance to the residents of that area in such manner as the Commissioner may determine.

3. Whenever the Commissioner has provided in respect of any area for a defence alarm provision shall also be made by him for a further signal or communication which shall be given in that area to indicate that the precautions required to be taken because of such alarm are no longer necessary.

4. The Commissioner shall appoint the person who shall in any area be authorized to give defence alarms and all clear signals and may authorize such persons subject to any conditions which he may prescribe to give any such alarms and signals in order to provide for the carrying out by the public of the requirements of these regulations as a test or practice measure.

5. (1) Whenever a defence alarm is given and until an all clear signal is sounded it shall not be lawful within the area to which the alarm applies—

(a) for any light to be displayed inside any roofed building, closed vehicle or other covered enclosure in such circumstances that any illumination therefrom is visible from outside the building, vehicle or enclosure.

(b) for any light to be displayed otherwise than in a roofed building, closed vehicle or other enclosure.

(2) Nothing in the preceding paragraph of this regulation shall render unlawful—

(a) the display of any light which is required or authorized by or under the provisions of these regulations;

(b) the display of any light which is authorized under this paragraph by any police constable or ranger acting under the general or special direction of the Chief of Police or the Chief Ranger or by any civil defence officer authorized for that purpose in the area by the Commissioner so long as any conditions imposed by such constable, ranger or other officer or on his behalf in relation to the display are complied with; or

(c) The display of any light by any vehicle used by any constable or ranger or member of His Majesty's Forces acting in the course of his duty as such.

(3) Nothing in the following provisions of these regulations relating to the authorization by or on behalf of the Commissioner of the display of any lights shall be construed as limiting the generality of the provisions of this regulation.

6. The display of any light may be prohibited or restricted by any constable or ranger acting under the general or special directions of the Chief of Police or Chief Ranger or by any civil defence officer appointed for the carrying out of these regulations and it shall not be lawful for any light to be displayed in contravention of any such prohibition or restriction provided that this paragraph shall not apply to—

- (a) any light displayed by any member of his Majesty's Forces acting in the course of his duty as such, or
- (b) any light displayed by any vehicle while it is being used for the purpose of His Majesty's Forces, or
- (c) any light used as a navigational aid and displayed with the consent of and in accordance with instructions given by the Commissioner, or
- (d) any light displayed by any civil defence officer or any vehicle used by a civil defence officer, with the consent of and in accordance with instructions given by the Commissioner.

7. (1) Whenever a defence alarm is given and until an all clear signal is given, it shall be unlawful for any person to operate or drive a vehicle within the area to which the defence alarm applies.

(2) A motor vehicle which is in motion when a defence alarm is given shall be brought to a stop and remain stationary close to the side of the road and in such a position as not to interfere with any vehicles, traffic or persons lawfully on the road.

(3) The operator or driver of any vehicle shall during the period of a defence alarm obey any order requiring the vehicle to be moved to, or removed from, any particular place or area, or to be parked or secured in any

particular manner which shall have been given by any police constable or ranger acting under the general or special authority of the Chief of Police or Chief Ranger or by any civil defence officer appointed for the carrying out of these regulations and any such constable ranger or civil defence officer may give such instructions and impose conditions which shall not contravene the other provisions of these regulations with reference to the display of lights requiring a vehicle to be driven in any particular manner or by any particular route.

(4) Whenever a defence alarm is given any person who shall be engaged in driving or leading any animal or animals shall see that the same are immediately secured and tethered in the nearest convenient and practicable place for that purpose.

(5) The provisions of this regulation shall not apply in respect of the use of any vehicle or animal by any constable, ranger, civil defence officer or member of His Majesty's Forces acting in the course of his duty as such.

8. (1) Subject as hereinafter provided whenever a defence alarm is given and until an all clear signal is given—

- (a) it shall be unlawful for any person who shall during such time be within any roofed building or other covered enclosure to depart therefrom, and
- (b) every person being upon any road or street shall immediately depart therefrom to his place of residence or to the nearest enclosed building or covered enclosure to which admittance can lawfully be obtained by him:

Provided that any person may be upon a road or street for the following purposes;

- (i) to communicate to the proper authorities military information not otherwise available, or
- (ii) to report a casualty or seek necessary aid, or
- (iii) if the evacuation of the place or other enclosure in which he is at the time is enforced, or
- (iv) if he is required so to be by any member of His Majesty's Forces or constable or ranger or civil defence officer acting in the course of his duty as such, or
- (v) if a place of greater safety is available and can be reached by him without causing or adding to the obstruction of any road or any street or of any of the operations of His Majesty's Forces.

(2) The provisions of sub-section (1) of this regulation shall not have effect in respect of any area or part thereof the evacuation whereof is necessitated by fire or other destruction or danger but in such event the evacuation shall be carried out in so far as possible in accordance with instructions in that behalf given by any member of His Majesty's Forces or any constable or ranger or civil defence officer acting in the course of his duty as such and in accordance with any evacuation plan previously published by the Commissioner.

(3) The provisions of this regulation shall not apply to any member of His Majesty's Forces or any constable, ranger or civil defence officer acting in the course of his duty as such.

9. (1) Subject as hereinafter provided whenever a defence alarm is given and until an all clear signal is given, within the area to which a defence alarm applies, it shall be unlawful for any person to make use of any telephone system provided that any person may do so for any of the following purposes:



- (a) to communicate to the proper authorities military information not otherwise available; or
- (b) to report a casualty or seek necessary aid.

(2) The provisions of sub-paragraph (1) of this regulation shall not apply to any member of His Majesty's Forces, or any constable, ranger or civil defence officer acting in the course of his duty as such, or any person engaged as a telephone operator on behalf of any of the foregoing or any employee of a telephone company so engaged.

10. Without prejudice, in the case of premises, a vehicle or a vessel, to the liability of the occupier of the premises, the person in charge of the vehicle or the master of the vessel, any provision of these regulations rendering unlawful the display of any light, or requiring any light to be displayed or any other thing to be done or not to be done, shall be construed as including a specific provision that no person shall cause or permit that light to be displayed or not to be displayed or, as the case may be, that thing not to be done or to be done.

11. Where the display of any light is, under the provisions of these regulations lawful only if any conditions specified by or under the provisions thereof are fulfilled, then, without prejudice to the generality of Regulation 10 hereof, any person who does any act whereby those conditions cease to be fulfilled shall be deemed for the purpose of these regulations to cause or permit the light to be displayed.

12. The Commissioner may by order in writing exempt any person or class of persons from the provisions of these regulations or any of them.

13. Whenever in the Newfoundland Defence Regulations published in the Gazette Extraordinary of September 1st. 1939, the expression "these regulations" occurs

it shall be deemed to include the regulations herein contained.

LXXI

14. The foregoing regulations are in addition to and not in substitution for any regulations relating to the prohibition of lights or otherwise or of general application made under the Defence Act, 1939.

15. These regulations shall be read with and form part of the Newfoundland Defence Regulations published in the Gazette Extraordinary of September 1st, 1939.

16. These regulations may be cited as the Defence (Alarm) Regulations.

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## **FIREARM REGULATIONS**

Under the provisions of the Defence (Firearms, Ammunition and Explosives) Regulations dated the 6th day of July, 1940, the Commissioner for Defence hereby gives public notice as follows:

1. Any person who has in his possession or under his control any firearms, ammunition or explosive, within any area that is named and described in the Schedule to this notice, shall report the same within the time mentioned in Paragraph 2 hereof to the authority or other persons mentioned in Paragraph 3 as being the authority in the area to whom the report shall be made.

2. Any report to be made pursuant to this notice shall be made not later than the 1st day of September A.D. 1940.

3.—(1) The principal authority to whom report shall be made in any area, other than the St. John's area, shall be the magistrate within the area; provided, however, that the report may be made to any police officer or ranger stationed in the area.

(2) In the event of the report being made to a police officer or ranger it shall be the duty of such police officer or ranger to make report thereof immediately to the principal authority in the area and it shall be the duty of the principal authority in the area to make up a register or record of all firearms, ammunition and explosives reported to him.

(3) In the St. John's area the report shall be made to the Chief of Police or to any police officer appointed by him.

4. A report to be made pursuant to this notice shall be made in writing; provided, however, that a report of any firearm or ammunition may be made by production to the person to whom report is made of the firearm or ammunition.

5.—(1) Whenever a report is made in writing pursuant to this notice in respect of any firearm the report shall set out the following particulars:

- (a) The type of the firearm and general particulars in connection therewith, that is to say, whether it is a rifle, shotgun or pistol, and the type of ammunition used in connection therewith.
- (b) Whether the firearm is in working condition. If not, particulars of any defect.
- (c) The name of the manufacturer and, if known, the date of manufacture, and if not known, an estimate of the age of the firearm.
- (d) The name of the owner.
- (e) The use which is being made or has been made of the firearm.
- (f) The present location of the firearm.

(2) Whenever a report is made by production of any firearm the person producing the same shall give the particulars required by sub-paragraph (1) of this paragraph to the person to whom report is made, who shall thereupon record the same.

6.—(1) Whenever a report is made in writing pursuant to this notice in respect of any ammunition the report shall set out the following particulars:

- (a) The quantity, description and size thereof and the present location of the same.
- (b) The name of the owner and whether the same is held for sale or private use.
- (c) The precautions, if any, which are being taken for the safe custody thereof.
- (d) The use which is being made or proposed to be made of the same.

(2) Whenever a report is made by production of any ammunition the person producing the same shall give particulars required by sub-paragraph (1) of this paragraph to the person to whom report is made, who shall thereupon record the same.

7. Whenever a report is made in writing pursuant to this notice in respect of any explosive, the report shall set out the following particulars:

- (a) The quantity and description thereof and the present location of the same.
- (b) The name of the owner and whether the same is held for sale or private use.
- (c) The precautions, if any, which are being taken for the safe custody thereof.

(d) The use which is being made or proposed to be made of the same.

8. For the purpose of this notice, the references to the the several Districts in the Schedule hereto shall be taken to refer to the Districts, so named, and as described and set out in Section 1 of the Act 22 George V, Chapter 7, entitled "An Act to amend Chapter 2 of the Consolidated Statutes (Third Series) entitled "Of the House of Assembly."

Dated the 1st day of August, 1940.

L. E. EMERSON,  
Commissioner for Defence.

### **SCHEDULE**

The areas hereunder named and described are the areas referred to in the notice made by the Commissioner for Defence in pursuance of Regulations of the Defence (Firearms, Ammunition and Explosives) Regulations, dated July 16th, 1940.

#### **1. St. Anthony Area.**

St. Anthony Area shall consist of and include all that part of the Island of Newfoundland comprehended north of a straight line extending between Flower's Cove on the north west coast of Newfoundland and the settlement of Conche on the east coast of Newfoundland (Flower's Cove and Conche both inclusive).

#### **2. La Scie Area**

LaScie Area shall consist of and include all that part of the Island of Newfoundland known as the District of White Bay (but exclusive of that part of the said District of White Bay which is included in the St. Anthony Area) together with all settlements on the coast lying between Cape St. John and Shoe Cove (inclusive).

### **3. Bonne Bay Area**

LXXV

Bonne Bay area shall consist of and include all that part of the Island of Newfoundland known as the District of St. Barbe but exclusive of that part of the said District which is included in St. Anthony Area.

### **4. Corner Brook Area**

Corner Brook Area shall consist of and include all that part of the Island of Newfoundland known as the District of Humber.

### **5. St. George's Area**

St. George's Area shall consist of and include all that part of the Island of Newfoundland known as the District of St. George's-Port au Port, together with all the settlements on the Coast lying between Cape Ray (inclusive) and Margaree (exclusive).

### **6. Burgeo Area**

Burgeo Area shall consist of and include all that part of the Island of Newfoundland known as the District of Burgeo and La Poile (but exclusive of that part of the said District of Burgeo and LaPoile which is included in the St. George's Area).

### **7. Harbour Breton Area**

Harbour Breton Area shall consist of and include all that part of the Island of Newfoundland known as the District of Fortune Bay and Hermitage.

### **8. Grand Bank Area**

Grand Bank Area shall consist of and include all that part of the Island of Newfoundland known as the District of Burin.



**9. Marystown Area**

Marystown Area shall consist of and include all that part of the District of Placentia West lying south west of a straight line drawn between Terrenceville (exclusive) and Clattice Harbour (inclusive) together with all islands adjacent thereto and including the Isle of Valen and Merasheen Island.

**10. Placentia Area**

Placentia Area shall consist of and include all that part of the District of Placentia West not included in the Marystown Area together with all that part of the District of Placentia and St. Mary's not included in the St. Mary's Area.

**11. St. Mary's Area**

St. Mary's Area shall consist of and include all that part of the District of Placentia and St. Mary's lying East of a straight line drawn between Placentia Junction and the settlement of Peckford (exclusive).

**12. Ferryland Area**

Ferryland Area shall consist of and include all that part of the Island of Newfoundland known as the District of Ferryland.

**13. St. John's Area**

St. John's Area shall consist of and include all that part of the Island of Newfoundland known as the District of St. John's East and the District of St. John's West.

**14. Bell Island Area**

Bell Island Area shall consist of and include Bell Island lying in Conception Bay and all the islands lying adjacent thereto.

## **15. Carbonear Area**

LXXVII

Carbonear Area shall consist of and include all that part of the Island of Newfoundland known as the District of Carbonear-Bay de Verde together with all that part of the District of Trinity South and the District of Harbour Grace lying north of a line drawn between the settlement of Cavendish in the District of Trinity South and Upper Island Cove in the District of Harbour Grace (Cavendish and Upper Island Cove both inclusive).

## **16. Harbour Main Area.**

Harbour Main Area shall consist of and include all that part of the Island of Newfoundland known as the District of Harbour Main-Bell Island (but exclusive of Bell Island) together with the District of Port de Grave and that part of the District of Harbour Grace not included in the Carbonear Area and also that part of the District of Trinity South not included in the Carbonear Area and not included in the Clarenville Area.

## **17. Clarenville Area**

Clarenville Area shall consist of and include all that part of the District of Trinity South lying north of a line drawn between Bellview (exclusive) in the District of Trinity South and LaManche Station on the Newfoundland Railway and also that part of the District of Trinity North lying west off a line drawn between the settlement of Princeton (inclusive) on the Bonavista Branch of the Newfoundland Railway and the settlement of Pope's Harbour in Smith's Sound (inclusive) together with the islands adjacent thereto and also that part of the District of Bonavista South lying west of a line drawn between the said settlement of Princeton and the settlement of Salvage (inclusive) in the District of Bonavista South together with the islands adjacent thereto and all that part of the District of Bonavista North not included in the Greenspond Area.

**18. Bonavista Area**

Bonavista Area shall consist of and include all that part of the District of Trinity North and the District of Bonavista South lying east of a line drawn between the settlement of Princeton (exclusive) and the settlement of Pope's Harbour in Smith's Sound (exclusive).

**19. Greenspond Area**

Greenspond Area shall consist of and include all that part of the Island of Newfoundland lying east of a line drawn between the settlement of Hare Bay in the district of Bonavista North and the settlement of Ragged Harbour in the District of Fogo together with all the Islands adjacent thereto (Hare Bay and Ragged Harbour both inclusive).

**20. Grand Falls Area.**

Grand Falls Area shall consist of and include all that part of the Island of Newfoundland known as the District of Grand Falls.

**21. Twillingate Area**

Twillingate Area shall consist of and include all that part of the Island of Newfoundland known as the District of Twillingate together with that part of the District of Fogo not included in the Greenspond Area.

**22. Springdale Area**

Springdale Area shall consist of and include all that part of the Island of Newfoundland known as the District of Green Bay but exclusive of the settlements on the coast lying between Shoe Cove and Cape St. John.

## DEFENCE ALARM (ST. JOHN'S) ORDERS

LXXIX

Notice is hereby given of the following orders made by me under the provisions of the Defence (Alarm) Regulations.

The 1st day of August, 1940.

L. E. EMERSON,  
Commissioner for Defence

1. There shall be a Defence Alarm for the area, hereinafter referred to in these Orders as the St. John's Area, which shall comprise the city of St. John's and all of the area within two miles from the boundaries thereof.

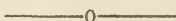
2. The principal civil defence officer for the enforcement of the Defence (Alarm) Regulations in the St. John's area shall be Charles H. Hutchings, Esq., K.C., C.M.G., O.B.E., J.P., Director of Air Raid Precautions, and all persons holding appointments from him as Air Raid Wardens are appointed and authorized as civil defence officers for the enforcement of the said regulations in the St. John's area.

3. The defence alarm for the St. John's area shall be given from sirens erected under the direction of the Director of Air Raid Precautions and shall consist of the whistle of the sirens sounded in so far as practicable in the following manner, that is to say, simultaneously from all sirens and so that each siren shall emit three blasts with approximately fifteen second intervals between each blast and so that each blast shall increase and diminish in tone ten times.

4. There shall be an all clear signal for the St. John's area which shall consist of the whistle of the said sirens sounded in so far as practicable in the following manner, that is to say, simultaneously from all sirens and so that each siren shall emit one blast which shall increase and diminish in tone ten times.

5. Defence alarms and all clear signals for the St John's area may be given by the Director of Air Raid Precautions or by any person appointed by him for that purpose and any such signal may be given on instructions from the Director of Air Raid Precautions as a test or practice measure.

6. These orders may be cited as the Defence Alarm (St. John's Area) Orders.



### DEFENCE (SHIPPING CONTROL) REGULATIONS

Under the provisions of the Defence Act, 1939, His Excellency the Governor in Commission has been pleased to make the following Regulations.

The 3rd day of August, 1940.

J. H. PENSON,  
Commissioner for Finance.

1. No person shall—

- (a) supply any bunker coal or fuel oil to or for the use of any ship which is not of British Registry; or
- (b) supply to or for the use of any such ship any provisions, stores, water, equipment, charts, goods or other article or thing whatsoever; or
- (c) do or perform any work of repair or otherwise to-upon or for any such ship or any part thereof or to the engines or any other equipment of such ship

save under and in accordance with a permit issued by the Board of Customs.

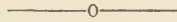
2. No person shall act as agent for or shall purchase or obtain for or on behalf of any ship not being of British

Registry any of the goods or services in respect of which a permit is required under the preceding Regulation save under and in accordance with a permit issued by the Board of Customs.

LXXXI

3. The Board of Customs may attach to any permit issued under these Regulations such conditions as it may deem desirable and may refuse to issue any permit or may revoke any permit without assigning any reason for such refusal or revocation.

4. These Regulations may be cited as "The Defence (Shipping Control) Regulations".



### **MERCHANT SHIPS (DEFENCE AND SAFETY) REGULATIONS**

Under the provisions of the Defence Act, 1939, His Excellency the Governor in Commission has been pleased to make the following further Regulations.

Dated this 16th day of August, A.D. 1940.

W. J. CAREW,  
Secretary of the Commission of Government.

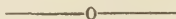
1. Directions under this regulation may be given by the Department of Defence or by a Naval Officer in charge of a port in Newfoundland, or an Officer of the Newfoundland Militia or by any officer to be authorized in writing by any of the aforementioned Authorities.

2. Subject to any directions that may be given by any of the authorities named in the preceding section, there shall be kept on board every British ship while in port in Newfoundland such members of the crew, or when articles have been closed, such a number of men as shall



be necessary to man the defensive equipment and the fire fighting appliances of the ship.

3. This regulation shall come into effect forthwith, and may be cited as The Merchant Ships (Defence and Safety) Regulation, 1940.



## REGULATIONS RESPECTING THE REQUISITIONING OF SHIPS

Under and by virtue of the Emergency Powers (Defence) Act, 1940, and of all other powers vested in him, His Excellency the Governor in Commission has been pleased to make the following regulations.

Dated this 25th day of September, A.D. 1940.

W. J. CAREW,  
Secretary of the Commission of Government.

1. These Regulations may be cited as Defence (Requisitioning) Regulations.

2.—(1) Subject as hereinafter provided, the Commissioner for Finance, hereinafter referred to as the Commissioner, if it appears to him to be necessary or expedient so to do in the interests of the public safety, the safety of the State or the efficient prosecution of the war, or for maintaining supplies and services necessary to the life of the community, may requisition:

- (a) Any vessel in Newfoundland or any article on board any such vessel.
- (b) any British ship registered in Newfoundland, or any article on board such British ship wherever the ship may be;

and may give such directions as appear to him to be necessary or expedient in connection with the requisition.

Provided that the preceding provisions of this Regulation shall not authorize the requisitioning of any British ship registered elsewhere than in Newfoundland or of anything on board such a ship.

(2) If the Commissioner requisitions any property under this Regulation he may use or deal with, or authorize the use of or dealing with, the property for such purpose and in such manner as he thinks expedient in the interests of the public safety, the safety of the State or the efficient prosecution of the war, or for maintaining supplies and services necessary to the life of the community, and may hold, or sell or otherwise dispose of, the property as if he were the owner thereof.

(3) The Commissioner, if it appears to be necessary for the effectual exercise in his powers under paragraph 2 of this Regulation so to do, may by order:

(a) direct that no person who, at the time when the order takes effect, has in his possession or under his control, on any vessel to which the order relates any such articles as may be described in the order, shall remove the articles, or cause or permit them to be removed, from the vessel until the removal of the articles therefrom is permitted by such authority or person as may be specified in the order;

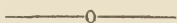
(b) require the owner or person having possession or control of the vessel to which an order applies to send to such authority or person as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such articles as aforesaid were or will be on the said vessel, and, if so, the number or quantity of those articles which was or will be on the vessel on that date, according as the order may direct.

(4) The Commissioner may, to such extent and subject to such restrictions as he thinks proper, delegate all or

any of his functions under paragraphs 1, 2 and 3 of this Regulation to any particular persons or class of persons.

3. If any person acts in contravention of, or fails to comply with the provisions of these regulations or of any Order made thereunder, he shall be liable on summary conviction before a Stipendiary Magistrate to imprisonment with or without hard labour for a term not exceeding one year or to a fine not exceeding five thousand dollars, or to both, and in default of payment of such fine to additional imprisonment with or without hard labour for a term not exceeding six months, and the Court before which he is convicted may, either in addition to, or in lieu of any such punishment require that person to enter into recognizances with or without sureties to comply with the provisions of these Regulations or Orders made thereunder or such provisions thereof as the Court may direct.

If any person fails to comply with an order of the Court requiring him to enter into recognizances, any Court of Summary Jurisdiction may order him to be imprisoned with or without hard labour for any term not exceeding six months.



### **DEFENCE (ALARM) NO. 2 REGULATIONS**

Under the provisions of the Defence Act, 1939, His Excellency the Governor in Commission has been pleased to make the following further regulations.

Dated this 11th day of October, A.D. 1940.

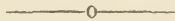
W. J. CAREW,  
Secretary of the Commission of Government

1. These regulations shall be read with and deemed to form part of the Defence (Alarm) Regulations made under the provisions of the Defence Act, 1939, dated the 26th day of July, 1940.

2. If the display of any light in any area to which a defence alarm applies, would during the period when a defence alarm is given and until an all clear signal is sounded, contravene the said Defence (Alarm) Regulations, then it shall be unlawful for any such light to be displayed in any such area at any time, unless provision by any person who causes or permits such light to be displayed has been made so that, in the event of a defence alarm being given, such light may be immediately extinguished or so that the illumination therefrom may be screened to prevent it from being visible in contravention of the said regulations.

3. Without prejudice to the generality of the preceding regulation it shall be unlawful for any light to be displayed at any time within an area to which a defence alarm applies inside any roofed building or other covered enclosure, or in any premises forming part of a building which are separately owned or occupied, in such circumstances that any illumination therefrom is visible from outside the building or enclosure or premises, while such building or enclosure or premises are unoccupied either temporarily or permanently.

4. These Regulations may be cited as the Defence (Alarm) No. 2 Regulations.



## **REGULATIONS RESPECTING THE DETENTION OF SHIPS**

Under and by virtue of the Emergency Powers (Defence) Act, 1940, and of all other powers vested in him, His Excellency the Governor in Commission has been pleased to make the following regulations.

Dated this 26th day of October, 1940.

W. J. CAREW,  
Secretary of the Commission of Government

1. These regulations may be cited as Defence (Detention of Ships) Regulations.

2.—(1) The Commissioner for Finance, if it appears to him to be necessary or expedient so to do in the interests of public safety, the defence of the realm or the efficient prosecution of the war or for maintaining supplies and services, essential to the life of the community, may give directions—

- (a) as respects any class of ships in Newfoundland, that no ship of that class shall leave any port in Newfoundland at which it may be;
- (b) as respects any particular ship at any port in Newfoundland, that the ship shall not leave that port except with permission granted by the Commissioner.

(2) If any ship leaves or attempts to leave any port in contravention of any directions given under this Regulation, the master of the ship shall be guilty of an offence against this Regulation.

(3) Any person acting on behalf of His Majesty may, in relation to any ship, take such steps, and use such force as may appear to that person to be reasonably necessary for securing compliance with any directions given under this Regulation relating to the ship, or where an offence against this Regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

3.—(1) If any person contravenes or fails to comply with any of the Regulations made under the Emergency Powers (Defence) Act 1940 (hereinafter referred to as the Regulations) or any order, rule or bye-law made under the Regulations, or any direction given or requirement imposed under any of the Regulations, he shall be guilty of an offence against that Regulation; and subject to any special provisions contained in a

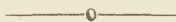


Regulation, a person guilty of an offence against any of the Regulations shall—

LXXXVII

- (a) on summary conviction be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred dollars, or to both such imprisonment and such fine, or
- (b) on conviction on indictment, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding twenty-five hundred dollars, or to both such imprisonment and such fine.

(2) Where a person convicted on indictment of an offence against any of the Regulations is a body corporate, no provision in the Regulations limiting the amount of the fine which may be imposed shall apply, and the body corporate shall be liable to a fine of such amount as the Court thinks just.



## REGULATIONS RESPECTING THE REQUISITIONING OF FIREARMS

Under and by virtue of the Emergency Powers (Defence) Act 1940 and of all other powers vested in him, His Excellency the Governor in Commission has been pleased to make the following regulations.

Dated this fifth day of November, A.D. 1940.

W. J. CAREW,  
Secretary of the Commission of Government

1. The Commissioner for Defence may from time to time if it appears to him to be necessary or expedient to do so by notice published as the said Commissioner may decide requisition any firearms or ammunition in Newfoundland and may give such directions as appear to him to be necessary or expedient in connection with the requisition.



2. If the Commissioner for Defence requisitions any firearms or ammunition or any class thereof under this regulation he may use or deal with or authorize the use of or dealing with such firearms or ammunition or any class thereof for such purposes and in such manner as he thinks expedient and may hold or use or otherwise dispose of the same as if he were the owner thereof.

3. The Commissioner for Defence may to such extent and subject to such restrictions as he thinks proper delegate all or any of his functions under paragraphs 1 and 2 of this regulation to any particular person or class of persons.

4. If any person fails to comply with any request lawfully made to deliver up any firearms or ammunition or any class thereof requisitioned by the Commissioner for Defence under these regulations he shall be guilty of an offence against these regulations and shall be liable on summary conviction to a fine not exceeding one hundred dollars or in default of payment to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

5. These regulations may be cited as the Defence (Requisitioning of Firearms and Ammunition) Regulations 1940.

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### **ORDER REQUISITIONING FIREARMS GRAND FALLS**

1. In exercise of the powers conferred by the Defence (Requisitioning of Firearms) Regulations dated the 5th day of November, 1940, notice is hereby given as follows:

- (a) All .303 rifles within all that part of the Island of Newfoundland known as the District of Grand Falls (hereinafter called the Grand Falls Requisition Area) are hereby requisitioned.

- (b) Every person within the Grand Falls Requisition Area shall deliver on verbal or written request to any police constable or ranger who makes such request any .303 rifle or rifles in his possession.

LXXXIX

2. In exercise of the powers conferred by Regulation 5 of the Defence (Firearms, Ammunition and Explosives) Regulations dated the 16th day of July, 1940 notice is hereby given that on and after the 30th day of November, A.D. 1940, it shall not be lawful for any person in the Grand Falls Requisition Area to buy, sell or have in his possession any .303 rifle or rifles unless he is the holder of a permit issued to him by the magistrate residing in the Grand Falls Requisition Area.

Dated at St. John's| this 5th day of November, A.D. 1940.

L. E. EMERSON,  
Commissioner for Defence.

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## REGULATIONS FOR CONTROL OF SEAMEN

Under and by virtue of the provisions of the Emergency Powers (Defence) Act, 1940, the Governor in Commission has been pleased to make the following Regulations.

Dated at St. John's this 16th day of November, A.D. 1940.

(Sgd.) W. J. CAREW,  
Secretary of the Commission of Government

1.—(1) No person lawfully engaged to serve on board any ship to which this regulation applies shall—

- (a) neglect or refuse without reasonable cause to join his ship or to proceed to sea in his ship; or

(b) desert or be absent without leave from his ship; or

(c) be absent without leave from his duty at any time

(2) Nothing in the foregoing provisions of this regulation shall be taken to prejudice the provisions of Section two hundred and twenty-one of the Merchant Shipping Act, 1894, relating to forfeiture of effects or wages for desertion or absence without leave.

(3) Where an authorized officer has reason to believe that any person who, in Newfoundland, contravenes the provisions of paragraph (1) of this Regulation, that person may be conveyed on board his ship by or on the direction of that officer.

(4) For the purpose of the last foregoing paragraph, the following persons shall be authorized officers, that is to say, the master of the ship, any mate of the ship, the person having the management of the ship, any constable or ranger, any commissioned officer in His Majesty's Forces, any immigration or Customs officer, and any superintendent within the meaning of the Merchant Shipping Act, 1894.

(5) In relation to ships to which this Regulation applies, the last two foregoing paragraphs shall have effect—

(a) in the case of a British ship, in substitution for the provisions of Section 222 of the Merchant Shipping Act, 1894; and

(b) in the case of a ship belonging to a subject of a foreign country to which Section 238 of that Act for the time being applies, in substitution for the provisions of subsections (2) and (3) of that Section.

(6) No person lawfully engaged to serve on board any ship to which this Regulation applies, shall join his ship,

or be whilst on board his ship, in a state of drunkenness so that the performance of his duties or the navigation of the ship is thereby impeded.

(7) The ships to which this Regulation applies are every ship belonging to His Majesty and every ship, whether British or foreign, chartered or requisitioned by or on behalf of His Majesty.

2.—(1) For the purposes of this Regulation unless the context otherwise requires—

- (a) “Commissioner” means the Commissioner for Finance.
- (b) “Seaman” includes the master, officers, members of the crew and staff employed on any ship.

(2) Without prejudice to the operation of the foregoing regulation or of the provisions of any Act in force for the time being in Newfoundland or any regulation or order made thereunder, any alien seaman, whether he has entered Newfoundland legally or not, who deserts or is absent without leave in Newfoundland from the ship on which he is employed, or who refuses to sail on such ship or any other ship sailing from Newfoundland on which he has been offered employment, or who is reported by the master or agent of the ship for refusing to perform his regular duties on board such ship, or who is so reported for inducing or attempting to induce other alien seamen to interfere in any way with the proper operation of the ship on which they are employed, may on reasonable grounds of suspicion, be arrested without warrant by any constable or ranger, and detained at any place specified by the Commissioner pending an enquiry into the matter.

(3) Such enquiry shall be held by the Chief Commissioner for Immigration or by any person or persons appointed in writing by him (the Chief Commissioner and such person or persons being hereinafter referred to as “the Board”).

(4) The hearing of all such cases shall be separate and apart from the public but in the presence of the alien seamen concerned whenever practicable. A summary record of proceedings and of evidence and testimony taken shall be kept by the Board.

(5) The Board may, in its discretion, administer oaths and take evidence under oath or by affirmation in any form which it deems binding upon the person being examined.

(6) In all such cases the Board may at the hearing receive and base its decision upon any evidence considered credible or trustworthy by such Board in the circumstances of each case.

(7) The decision of the Board shall be final unless notice of appeal is given in writing to the Commissioner within twenty-four hours, in which case the Commissioner shall review the evidence and make his decision, which shall be final.

(8) Pending the decision of the Commissioner the appellant shall be kept in custody at the place specified by the Commissioner in the first instance.

(9) If the decision of the Commissioner is to detain the alien seaman then the Commissioner may, by order in writing, order his detention at any place specified in the order for the duration of the present war or until provisions may be made for his deportation or until the alien seaman is ready and willing and actually proceeds to serve on a ship sailing from Newfoundland.

(10) In the event of any such person being so detained he may be employed on such labour and in such place as the Commissioner may from time to time determine.

3. If any person contravenes or fails to comply with any of these regulations he shall be guilty of an offence and shall on summary conviction, be liable to imprisonment for a term not exceeding one year or to a fine not exceeding four hundred dollars, or to both such imprisonment and such fine.



## REGULATIONS RESPECTING THE REQUISITIONING OF LAND

XCIII

Under and by virtue of the Emergency Powers (Defence) Act, 1940, and of all other powers vested in him, His Excellency the Governor in Commission has been pleased to make the following regulations.

Dated this 28th day of December, A.D. 1940.

W. J. CAREW,  
Secretary of the Commission of Government.

1.—(1) Any person thereto authorized by the Commissioner for Public Utilities (in these regulations hereinafter referred to as the Commissioner) may, for any purpose connected with the defence of Newfoundland, the efficient prosecution of the war, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, do any work on any land, or place anything in, on or over any land.

(2) If it appears to the Commissioner to be necessary or expedient so to do in the interests of the public safety, the defence of Newfoundland, the efficient prosecution of the war or the maintenance of supplies and services essential to the life of the community, he may by order provide for prohibiting or restricting the doing on any particular land of any work specified in the order.

(3) A person (other than a person in the service of the Crown or constable acting in the course of his duty as such) shall not, except with permission granted by or on behalf of the Commissioner, remove, alter or tamper with any work done, or thing placed in, on or over any land in pursuance of this regulation.

(4) For the purpose of this regulation, the doing of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over the land, the



maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolished or pulled down in pursuance of this regulation.

2.—(1) If it appears to the Commissioner to be necessary or expedient so to do in the interests of the public safety, the defence of Newfoundland or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community, he may take possession of any land, and may give such directions as appear to him to be necessary or expedient in connection with the taking of possession of the land.

(2) While any land is in the possession of the Commissioner in pursuance of a direction given under this regulation, the land may, notwithstanding any restrictions imposed on the use thereof (whether by law or otherwise), be used by, or under the authority of the Commissioner for such purposes, and in such manner, as he thinks expedient in the interests of the public safety or the defence of Newfoundland, or for the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community; and the Commissioner, so far as appears to him to be necessary or expedient in connection with the taking of possession or use of the land in pursuance of this sub-regulation—

- (a) may do, or authorize persons so using the land to do, in relation to the land, anything which any person having an unencumbered interest in fee simple in the land would be entitled to do by virtue of that interest; and
- (b) may by order provide for prohibiting or restricting the exercise of rights of way over the land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(3) The owner or occupier of any land shall, if requested by the Commissioner or a person thereto authorized by him so to do, furnish to the Commissioner or such person as is specified in the request such information in his possession relating to the land (being information which reasonably may be demanded in connection with the execution of this regulation) as is so specified.

3. Such compensation shall be payable for any damage or loss sustained by the owner or occupier of land by reason of the taking possession of such land, or of anything done in relation thereto in pursuance of these regulations, as is determined by agreement, or in the absence of agreement, by such tribunal or board of arbitration as shall be appointed for the settling of such claims

4. Any member of His Majesty's Forces acting in the course of his duty as such, and any person thereto authorized by the Commissioner—

- (a) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by regulations 1 and 2 of these Regulations:
- (b) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to the land; and
- (c) may, for any purpose connected with the defence of Newfoundland, the efficient prosecution of the war, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, pass (with or without animals or vehicles) over any land.

5. These regulations may be cited as the Defence (Requisitioning of Land) Regulations.

## REGULATIONS APPOINTING BOARD OF COMPENSATION

Under and by virtue of the Emergency Powers (Defence) Act, 1940, and of all other powers vested in him, His Excellency the Governor in Commission has been pleased to make the following regulations.

Dated at St. John's this 6th day of March, A.D. 1941.

J. A. WINTER,  
Commissioner for Home Affairs and Education.

1. A Board of Arbitration for the settling of claims for compensation payable under the provisions of Regulation 3 of the Defence (Requisitioning of Land) Regulations is hereby constituted.

2. The said Board shall consist of three members as follows:

(1) Honourable William John Higgins, Judge of the Supreme Court.

(2) John Boyd Baird.

(3) Francis William Bradshaw.

and the said Honourable William John Higgins, Judge of the Supreme Court, shall be Chairman of the said Board.

3. The Board hereunder constituted shall consider and make awards in respect of all such claims as are submitted to it by any owner or occupier of land for damage or loss sustained by reason of the taking possession of such land or of anything done in relation thereto in pursuance of the Defence (Requisitioning of Land) Regulations.

4. The finding of any two members of the Board shall be sufficient to make an award which shall be final and

binding upon the parties and the persons claiming under them respectively.

XCVII

5. (1) The provisions of Section 2 and Section 3 and Section 4 of the Public Enquiries Act, 1934, shall apply to the said Board as if the members thereof were Commissioners appointed under Section 1 of the said Act and had conferred upon them all the powers which by the said Section 1 may be conferred upon such Commissioners.

(2) For the purpose of giving effect to the foregoing paragraph of this regulation, the said Sections 2, 3 and 4 of the said Act shall be construed as if references therein to the "Commissioner or Commissioners" were references to the Board hereunder constituted and references to "enquiry" were references to proceedings of such Board.

6. The Board shall, in respect of any claim submitted to it, have power to correct in an award any clerical mistake or error arising from any accidental slip or omission.

7. The Supreme Court shall have power to remove any member of the Board for cause and to set aside any award improperly procured or any award in connection with which the Board or any member thereof has acted improperly.

8. An award may by leave of the Supreme Court or a Judge thereof be enforced in the same manner as a judgment or order to the same effect.

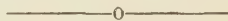
9. The Board may, at any stage of the proceedings, and shall, if so directed by the Supreme Court or a Judge thereof, state, in the form of a special case for the opinion of the Court, any question of law arising in the course of the proceedings upon any claim.

10. The costs of the hearing of any claim and award shall be in the discretion of the Board, which may direct

to and by whom and in what manner those costs or any part thereof shall be paid, and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between solicitor and client.

11. The Chairman of the Board shall have power to make such rules and regulations as shall be necessary to regulate procedure upon the submission and hearing of claims before the Board.

12. These regulations may be cited as the Defence (Board of Compensation) Regulations, 1941.



### **DEFENCE ALARM (EXPLOITS VALLEY AREA) ORDERS**

Notice is hereby given of the following Orders made by me under the provisions of the Defence (Alarm) Regulations.

This 18th day of March, A.D. 1941.

W. W. WOODS,  
Commissioner for Defence (Acting)

1. There shall be a Defence Alarm for the area, hereinafter referred to in these Orders as the Grand Falls Area, which shall comprise the Townsite of Grand Falls.

2. The Defence Alarm for the Grand Falls area shall be given by a series of short blasts from the mill whistle of the Anglo-Newfoundland Development Company Limited at Grand Falls aforesaid at intervals of approximately fifteen seconds.

3. There shall be an all clear signal for the Grand Falls area which shall consist of one long blast from the said mill whistle at Grand Falls.



4. There shall be a Defence Alarm for the area, hereinafter referred to in these Orders as the Windsor area, which shall comprise all the area within the boundaries of the Town of Windsor as set forth in the Town of Windsor Management Act, 1938.

5. The Defence Alarm for the Windsor area shall be given by the alternate dimming and brightening three times of all electric lights within the Windsor area at intervals of approximately five seconds.

6. There shall be an all clear signal for the Windsor area which shall consist of the lighting of electric lights within the Windsor area.

7. There shall be a Defence Alarm for the area, hereinafter referred to in these Orders as the Bishop's Falls area, which shall comprise all parts of the town or settlement of Bishop's Falls and extend from the Diamond Crossing situate between Grand Falls and Bishop's Falls to the summit situate between Bishop's Falls and Botwood and shall include that part of the Exploits River lying between the said Diamond Crossing and the said Summit.

8. The Defence Alarm for the Bishop's Falls area shall be given by the sounding of the mill whistle of the Anglo-Newfoundland Development Company Limited at Bishop's Falls aforesaid and the whistles of railway locomotives in yard of the Newfoundland Railway at Bishop's Falls station and by the dimming and brightening of all electric lights within the Bishop's Falls area in the following manner so far as the same shall be practicable, that is to say: simultaneously by a series of blasts from all such whistles at intervals of approximately fifteen seconds and by the alternate dimming and brightening three times of all electric lights within the Bishop's Falls area at intervals of approximately five seconds.

9. There shall be an all clear signal for the Bishop's Falls area which shall consist of the sounding of the said



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whistles and the use of the said electric lights in the following manner so far as the same shall be practicable, that is to say: simultaneously, by one long blast from the said whistles and by the lighting of all electric lights within the Bishop's Falls area.

10. There shall be a Defence Alarm for the area, hereinafter referred to in these Orders as the Botwood area, which shall comprise the towns or settlements of Peter's Arm, Botwood and Northern Arm and shall extend from Peter's Arm Bridge to Northern Arm Bridge and shall include the Port of Botwood and all waters within one mile from the aforesaid towns or settlements.

11. The Defence Alarm for the Botwood area shall be given by a series of short blasts on the locomotive whistle of the Anglo-Newfoundland Development Company Limited in its railway yard at Botwood aforesaid at intervals of approximately fifteen seconds.

12. There shall be an all clear signal for the Botwood area which shall consist of one long blast from the said locomotive whistle at Botwood aforesaid.

13. The District Magistrate at Grand Falls is hereby authorized to appoint Civil Defence Officers for the enforcement of the Defence (Alarm) Regulations in any or all of the aforesaid areas.

14. Defence Alarms and all clear signals in any or all of the aforesaid areas may be given by Malcolm Hollett, Esquire, District Magistrate, Chairman of the Home Front Association of Grand Falls and Windsor, or by any person appointed by him for that purpose, and any such signal may be given on instructions from the said Malcolm Hollett as a test or practice measure.

15. These Orders may be cited as the Defence Alarm (Exploits Valley Area) Orders.

## REGULATIONS RESPECTING MERCHANT VESSELS

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Under and by virtue of the Emergency Powers Defence Act, 1940, and of all other powers vested in him, His Excellency the Governor-in-Commission has been pleased to make the following regulations:—

Dated at St. John's this 21st day of April, A.D. 1941.

J. A. WINTER,

Commissioner for Home Affairs and Education.

1. The following regulations are to be observed by all Merchant Vessels approaching, leaving or moving within the Port of St. John's (hereinafter called "the Port").

2. The outer limits of the port are on a line bearing from Small Point to Cape Spear, and the inner limits are on a line bearing from Cuckhold Head to Spriggs Point.

3. The ordinary regulations of the Port are to be adhered to except where varied by these regulations.

4.—(1) "The use of wireless telegraphy, wireless telephony or sound signalling for communicating or signalling in the Port is prohibited: Provided that such sound signals may be made as are authorized to be made by the Regulations for Preventing Collisions at Sea or by the Commissioner for Public Utilities.

(2) For the better enforcement of this regulation, in the case of Merchant Vessels and small craft, the wireless office or offices and the wireless instruments on any Merchant Vessel or small craft in the Port shall be sealed by an officer of Customs or such other officer as may be thereto assigned and such seals shall not be broken by any person other than an officer of Customs or other officer thereto assigned.

(3) If due to the length of stay of a Merchant Vessel or small craft in the Port, it shall become necessary to

have access to the wireless office or offices or wireless instruments of any such vessel in order to keep such instruments in good working condition, the master of such Merchant Vessel or small craft shall communicate with the Department of Customs who may give permission for the breaking of such seals if the Department deems it necessary.

(4) A breach of any of the provisions of this regulation shall render the wireless instruments of a Merchant Vessel or small craft liable to seizure and confiscation to the Crown.

5. For the purposes of these regulations.

(a) fog

(b) thick weather

is considered to exist when it is impossible, owing to meteorological or other conditions affecting visibility, to communicate between the Examination Vessel and the Examination Battery by visual signals.

(c) "Merchant Vessel" includes all vessels other than the Examination Vessels and British and foreign war vessels, and any special vessels chartered by the Admiralty or by the Canadian Naval Authorities.

(d) "Small craft" mean fishing vessels and small sailing and auxiliary coasters of under one hundred and twenty net tons, other than those flying the white ensign or a foreign naval flag.

(e) "Night" means the period between thirty minutes after sunset and thirty minutes before sunrise, actual times of sunset and sunrise being taken.

(f) "Examining Officer" means the Officer of the Examination Service, normally in the Examination

Vessel,, who examines Merchant Vessels wishing to enter the Port, prior to their entry.

CIII

### **ENTRANCE TO THE PORT.**

5. A Merchant Vessel shall not enter the Port unless she has first passed through the Examination Service.

6. A Merchant Vessel approaching the Port either by day or by night shall not make, or make use of, any private signals of any description. The making, or making use of, such signals will render the vessel liable to be fired on.

7. A Merchant Vessel approaching the Port shall hoist her signal letters on arriving within visual signal distance of the Port and shall not wait for the signal "what is the name of your vessel" from the Examination Vessel, before so hoisting her signal letters.

8. A Merchant Vessel wishing to enter the Port shall heave to near the Examination Vessel or proceed to the Examination Anchorage to which she will be directed by the Examination Vessel, unless such vessel is given permission and the necessary instruction by the Examining Officer to enter the Port without heaving to, or proceeding to the Examination Anchorage.

9. All orders and instructions necessary to enable a Merchant Vessel, to enter the Port shall be given by the Examining Officer and shall be implicitly obeyed. Disobedience of these orders and instructions will render the approaching vessel liable to be fired on.

10. A Merchant Vessel shall not leave or attempt to leave the Examination Anchorage unless permission to do so has been given by the Examining Officer. Any vessel leaving or attempting to leave the Anchorage without such permission will be liable to be fired on.

11. In any case in which bad weather or other cause prevents a Merchant Vessel anchoring in the Examining

ation Anchorage, the Examining Officer may order such vessel to remain under way in the Anchorage and such vessel will not be permitted to enter the Port unless she can be identified while under way by the Examining Officer. In such circumstances the Examining Officer may order such vessel to proceed to such other anchorage as he may direct, where an armed guard may be placed on board.

**Note:** Ship owners and shipping agents are advised that in their own interests and in order to avoid delays to their vessels in their recognition by and passage through the Examination Service, they should, when circumstances permit:

- (a) As a general rule arrange for their vessels to arrive at the Port during daylight.
- (b) See that their vessels are provided with a complete set of International Code flags and a signal book, also with two white and two red lanterns—ready and available for use—in addition to the regulation Navigation Lights.

Normally Merchant Vessels are permitted to enter the Port by day and night after they have passed through the Examination Service, and as a general rule Merchant Vessels will be examined by the Examining Officer in the order of their arrival off the Port or in the Examination Anchorage. During fog and thick weather the Port will normally be closed to inward traffic. Traffic will not be interfered with more than is necessary for the identification of vessels and their safe conduct past the Examination Battery.

### TRAFFIC CONTROL IN THE NARROWS

12.—(1) In order to avoid the danger of collision in the Narrows between inward and outward traffic, the following traffic indication signals shall be hoisted:



(a) When the narrows is closed to inward traffic:

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(i) By day—three red balls hoisted vertically six feet apart at the Examination Battery at Fort Amherst.

(ii) By night—three red lights hoisted vertically six feet apart at the Examination Battery at Fort Amherst.

(b) When the Narrows is closed to outward traffic:

(i) By day—two black cones, point up, hoisted vertically six feet apart at Cahill's Point.

(ii) By night—three lights hoisted vertically, red over white over red, six feet apart at Cahill's Point.

(2) When such signals are displayed a Merchant Vessel or small craft to which passage through the Narrows is denied by such signals shall stand clear and shall not proceed through the Narrows until the signal which denies passage to such vessel or small craft has been hauled down.

### **EXAMINATION VESSELS.**

**13.** The Examination Vessels will be found in the vicinity of the limits of the Port and shall display the following distinguishing marks:

(a) By day—at the masthead a special flag, red and white horizontal striped surrounded by a blue border, and a blue ensign, and, in addition, if the Port is closed, three red balls hoisted vertically six feet apart in a position where they are clearly visible all around the horizon.

(b) By night—in addition to the ordinary navigation lights, if the Port is open, three white lights, and, if the Port is closed, three red lights, hoisted ver-



tically six feet apart in a position where they are clearly visible all around the horizon.

### PORT CLOSED

14. The Port may be closed in fog and thick weather and at any other time when the Commissioner for Public Utilities, acting on behalf of the Government, so directs.

15. When the Port is closed a Merchant Vessel shall not proceed inward further than the inner limits of the Port, or to the Examination Anchorage.

16. When the Port is closed Merchant Vessels which have not entered the Examination Anchorage shall proceed to sea, and vessels in the Examination Anchorage shall remain there, unless permission is given by the Examination Officer to such vessel to proceed to sea.

17. When the Port is closed the following signals shall be displayed:—

(a) By day—

(i) Three red balls hoisted vertically six feet apart in a position on the Examination Vessel where they are clearly visible all around the horizon, and

(ii) Three red balls hoisted vertically six feet apart at Fort Amherst and at Cabot Tower.

(b) By night —

(i) Three red lights hoisted vertically six feet apart in a position on the Examination Vessel where they are clearly visible all around the horizon, and

(ii) Three red lights hoisted vertically six feet apart at Fort Amherst and at Cabot Tower.

18. Except with the permission of the Examining Officer, or to save life, avoid accident or ensure the safety of the ship, which cases shall be communicated to such officer without delay, a merchant vessel in the Examination Anchorage shall not—

- (a) Shift berth.
- (b) Communicate in any way with the shore or another vessel.
- (c) Lower any boat.
- (d) Work any cables.
- (e) Allow any person to board or leave the vessel.
- (f) Allow any part of the vessel, cargo, stores, etc., to be removed.

19. If merchant vessel desires to communicate with the Examination Officer she shall—

- (a) By day—hoist the flags J. G. International Code.
- (b) By night—hoist two lights red over white three feet apart at the fore masthead.

### **SMALL CRAFT**

20. Small craft wishing to enter the Port shall close the Examination Vessel, identify themselves to the Examining Officer and receive his permission to enter the Port.

### **MOVEMENT IN THE PORT**

21. A Merchant Vessel shall not shift from her berth alongside the wharf or shift from her anchorage without permission from the Harbour Master or senior Pilot on duty in consultation with the Extended Defence Officer.

**22.** Merchant Vessels shall take up anchorage in the Port as directed by the Harbour Master, whose orders shall be carried out by the Pilot in charge of the vessel. If a merchant vessel does not carry a Pilot she shall take up such anchorage as has previously been approved by the Harbour Master and communicated to the Master of such vessel.

**23.** Merchant Vessels in the Port or in the Examination Anchorage shall, when under way and at anchor, display the regular navigation lights: Provided that all navigation and other lights shall be dimmed or obscured if the Naval Officer in Charge so directs.

**24.** Merchant Vessels and small craft shall keep clear of H. M. Ships navigating in the Port.

**25.** H. M. Ships when entering or leaving the Port shall—

(a) By day—display their pennants.

(b) By night—display a red light at the fore mast-head.

**26.** A small craft plying for hire in the Port shall not be permitted to go alongside any merchant vessel lying at anchor in the Port or moored alongside any wharf, quay or dock unless a licence has been issued by the Harbour Master in respect of such small craft and such small craft shall be provided with such special lights, flags or marks as shall be notified by the Harbour Master. Such small craft shall at all times be subject to inspection by a Harbour Patrol Boat.

### LEAVING THE PORT.

**27.** The Master of a merchant vessel intending to leave Port shall, before seeking clearance from the Customs, obtain from the Naval Control Service Officer permission to clear and such Master shall inform the Extended De

fence Officer of the expected time of leaving the Port and shall present such permission when seeking clearance from the Customs.

28. A pilot shall not board a merchant vessel for the purpose of taking her out of port unless he shall first have informed the Extended Defence Officer of his intention so to do.

29. Immediately before sailing the Master of a merchant vessel, or if such vessel carries a pilot, the pilot shall obtain permission from the Chief Examination Officer to sail at a stated time. If such merchant vessel does not sail at such stated time then the Master or Pilot, as the case may be, of such vessel shall inform the Chief Examination Officer of the reason for the delay. When the vessel is prepared to sail permission must again be obtained from the Chief Examination Officer before such vessel sails.

30. Small craft shall not leave the Port without first obtaining the permission of the Extended Defence Officer so to do and such small craft shall adhere to the regulations herein contained governing traffic in the Narrows.

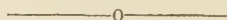
31. Notwithstanding anything contained in these regulations merchant vessels or small craft shall not leave or attempt to leave the Port if there is displayed at Cabot Tower or Cahill's Point or at either of them a blue flag.

32. Merchant vessels shall not enter or leave the Port without a pilot: Provided that coasting and fishing vessels of Newfoundland registry, vessels owned by the Newfoundland Railway and vessels which call at the Port on a regular schedule, may enter or leave the Port without a pilot, if a pilotage pass signed by the Naval Officer in Charge and obtained from the Naval Control Service Officer shall have been issued to the Master of such vessel. Such pilotage pass shall be kept ready for inspection and the issue of such pass shall be dependent on the Master's knowledge of any obstruction placed in the entrance to the Port.

33. A pilotage pass issued under the preceding regulations shall not exempt the vessel to whose Master it has been issued from complying with these regulations, other than the immediately preceding regulation.

34.—(1) If any person commits a breach of, or fails to comply with, any of the provisions of these Regulations he shall be liable on summary conviction before a Stipendiary Magistrate to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding one month, or to both, and in default of such fine to additional imprisonment for a term not exceeding one month.

(2) In the case of a breach of or failure to comply with, any of the provisions of Regulation 4 of these Regulations, the master of the merchant vessel shall be deemed to be the person at fault and shall be liable upon conviction in the manner provided for by paragraph 1 of this regulation to such fine or imprisonment, or both, as are provided by the said paragraph 1.



## **REGULATIONS FOR AVOIDANCE OF STRIKES AND AND LOCKOUTS**

Under and by virtue of the Emergency Powers (Defence) Act, 1940, and of all other powers vested in him, His Excellency the Governor in Commission has been pleased to make the following regulations.

Dated at St. John's this 27th day of June, A.D. 1941.

J. A. WINTER,

Commissioner for Home Affairs and Education.

1. If by reason of an actual or apprehended lockout or strike it appears that there may be an interruption of any work which will interfere with the efficient prosecution of the war or the maintaining of supplies and services essential to the life of the community the Commis-

sioner for Public Utilities may from time to time by order make provision—

CXI

- (a) for establishing a tribunal or tribunals for the settlement of any trade dispute or trade disputes;
- (b) for prohibiting, subject to the provisions of the order, a strike or lockout in connection with any trade dispute;
- (c) for requiring employers to observe such terms and conditions of employment as may be determined in accordance with the order to be, or to be not less favourable than, the recognized terms and conditions;
- (d) for recording departures from any rule, practice or custom in respect of the employment, non-employment, conditions of employment, hours of work or working conditions of any persons; and
- (e) for any incidental and supplementary matters for which the Commissioner thinks it expedient for the purpose of the order to provide.

**2.—**(1) An order made under Paragraph (a) of the preceding regulation for establishing a tribunal may provide for regulating the procedure of the tribunal.

(2) Save in so far as may otherwise be provided in any such order establishing a tribunal the following provisions shall have effect in respect thereof:

- (a) The provisions of Section 2 and Section 3 and Section 4 of the Public Enquiries Act, 1934, shall apply to the members of such tribunal as if they were commissioners appointed under Section 1 of the said Act and had conferred upon them all the powers which by the said Section 1 may be conferred upon such commissioners.



- (b) For the purpose of giving effect to the foregoing paragraph of this regulation the said Sections 2, 3 and 4 of the said Act shall be construed as if references therein to the "commissioner or commissioners" were references to a tribunal constituted by an order under these regulations and references to "enquiry" were references to proceedings of such tribunal.

**3. In these regulations—**

- (a) The expression "trade dispute" means any dispute or difference between employers and workmen, or between workmen and workmen connected with the employment or non employment or the terms of the employment or with the conditions of labour of any person;
- (b) The expression "workman" means any person who has entered into or works under a contract with an employer whether the contract be by way of manual labour, clerical work, or otherwise, be expressed or implied, oral or in writing, and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour.

**4. The Commissioner for Public Utilities may revoke or vary any order made under these regulations.**

**5.—(1)** If any person contravenes or fails to comply with any order made under these regulations he shall save as otherwise expressly provided by or under that order be guilty of an offence and shall be liable—

- (a) on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred dollars and in default of payment of such fine to imprisonment not exceeding three months; or

(b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding twenty-five hundred dollars and in default of payment to imprisonment not exceeding six months.

(2) Where a person convicted on indictment of an offence against any of these regulations is a body corporate every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due duty to prevent the commission of the offence.

(3) Where a person convicted on indictment of an offence under these regulations is a body corporate the provision limiting the amount of the fine which may be imposed by paragraph (1) (b) above shall not apply and the body corporate shall be liable to a fine of such amount as the court thinks just.

6. These Regulations may be cited as the Defence (Avoidance of Strikes and Lockouts) Regulations, 1941.

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## **CONTROL AND CONDITIONS OF EMPLOYMENT AND DISPUTES SETTLEMENT**

Under and by virtue of the Emergency Powers (Defence) Act, 1940, and of any other powers vested in him, His Excellency the Governor-in-Commission has been pleased to make the following Regulations.

Dated at St. John's this 23rd day of October, A.D. 1941.

W. J. CAREW,  
Secretary of the Commission of Government.

## Interpretation

1. In these Regulations unless the contrary intention appears the following expressions have the meanings hereby respectively assigned to them, that is to say:—

- (a) “Commissioner” means the Commissioner for Public Utilities.
- (b) “lock-out” means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling these persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;
- (c) “strike” means the cessation of work by a body of persons employed acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other workmen in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment.
- (d) “trade dispute” means any dispute or difference between employers and workmen, or between workmen and workmen connected with the employment or non-employment, or the terms of the employment or with the conditions of labour of any person;
- (e) “workman” means any person who has entered into or works under a contract with an employer,

whether the contract be by way of manual labour, clerical work or otherwise, be expressed or implied, oral or in writing and whether it be a contract of service or of apprenticeship or a contract personally to execute any work or labour.

CXV

## **PART II**

### **Control of Employment**

2. (1) For the purpose of securing the public safety, the defence of Newfoundland, the maintenance of public order of the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community, the Commissioner may direct any person in Newfoundland to perform such services in Newfoundland as may be specified by the direction being services which that person is in the opinion of the Commissioner capable of performing.

(2) Any services required by a direction given under this Regulation to be performed shall be performed upon such terms as to remuneration and conditions of service as the Commissioner may, in accordance with the provisions of this Regulation, direct:

Provided that in determining the terms upon which any such services are to be performed the Commissioner shall have regard to any rates of salary, fees or wages for the performance of those services which appear to the Commissioner to be usual, and, in particular in the case of services usually rendered under a contract of service, shall have regard to any determination relating to the remuneration and conditions of service of persons employed in the locality in the capacity and in the trade in which the person to whom the direction relates is to serve, being a determination contained in an agreement between organizations representative of employers and workers or in a decision of a conciliation board, arbitration tribunal or other similar body, or, in the absence of any such determination, shall have regard to the remun-

eration and conditions of service in practice prevailing among good employers in that trade in the district.

(3) Any directions given by the Commissioner under this Regulation may, in accordance with his instructions, be given on his behalf by any person duly authorized in writing by him and any person so authorized shall be called a "Trade Disputes Officer".

(4) The Commissioner may by order make provision for regulating the engagement of workers by employers and the duration of their employment, and for giving effect to the foregoing provisions of this Regulation, and may, in particular, provide by any such order:—

- (a) for requiring persons to register such particulars about themselves as may be prescribed by or under the order;
- (b) for requiring persons carrying on any undertaking to keep such books, accounts and records relating to the undertaking as may be prescribed by or under the order;
- (c) for requiring persons carrying on, or employed in connection with, any undertaking, to produce to such person as may be designated by or on behalf of the Commissioner or by or on behalf of any other authority or person specified in the order, such books, accounts or other documents relating to the undertaking and to furnish such estimates, returns or information relating thereto as may be prescribed by or under the order.
- (d) for any incidental and supplementary matters for which the Commissioner thinks it expedient to provide, including, in particular, the entry and inspection of premises with a view to securing compliance with directions given under this Regulation;



and any such provision may be made so as to relate either to persons or undertakings generally or to any particular person or undertaking or class or description of persons or undertakings.

### **PART III**

#### **Conditions of Employment and Settlement of Disputes**

3. For the purpose of settling trade disputes which cannot otherwise be determined in cases where it appears to be necessary so to do in the interests of the defence of Newfoundland or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community there may be constituted by the Commissioner from time to time one or more Boards to be called Trade Disputes Boards and the provisions of the Schedule to these Regulations shall have effect with respect to the constitution and proceedings of such Boards.

4. (1) If any trade dispute exists or is apprehended that dispute, if not otherwise determined, may be reported to the Commissioner by or on behalf of either party to the dispute and the decision of the Commissioner as to whether a dispute has been so reported to him or not and as to the time at which a dispute has been so reported shall be conclusive for all purposes.

(2) The Commissioner shall consider any dispute so reported to him as aforesaid and if it is his opinion that the dispute is not one which can appropriately be dealt with under these Regulations or that it is not in the public interest that it should be so dealt with, he shall inform the parties who have reported the dispute accordingly: Provided however that the Commissioner may on further information alter such decision if he shall see fit.

(3) If the Commissioner determines that the dispute can appropriately be dealt with under these Regulations and if in his opinion suitable means for settling the



dispute already exist by virtue of the provisions of any agreement to which the parties are organizations representative of employers and workers respectively, he shall refer the matter for settlement in accordance with those provisions; so, however, that where a matter has been referred for settlement in accordance with the provisions of this paragraph and there is a failure to reach a settlement, or, in the opinion of the Commissioner a settlement is unduly delayed, the Commissioner may cancel the reference and substitute therefor a reference to a Trade Dispute Board.

(4) Where, in his opinion, no such suitable means of settlement exist as are mentioned in the last preceding paragraph of this Regulation, the Commissioner shall take any steps which seem to him expedient to promote a settlement of the dispute and may, if he thinks fit, refer the matter for settlement to a Trade Dispute Board.

(5) Where steps to promote a settlement of the dispute have been taken by the Commissioner under the provisions of paragraph (3) of paragraph (4) of this Regulation (otherwise than by means of a reference to the Trade Dispute Board) and those steps have not resulted in a prompt settlement of the dispute the Commissioner may refer the dispute for settlement to a Trade Dispute Board.

(6) Any agreement, decision or award made by virtue of the foregoing provisions of this Regulation shall be binding on the employers and workers to whom the agreement, decision or award relates and, as from the date of such agreement, decision or award or as from such date as may be specified therein, not being earlier than the date on which the dispute to which the agreement, decision or award relates first arose, it shall be an implied term of the contract between the employers and workers to whom the agreement, decision or award relates that the rate of wages to be paid and the conditions of employment to be observed under the contract shall be in accordance with such agreement, decision or award until varied by a subsequent agreement, decision or award.

5. The Commissioner may refer to a Trade Dispute Board for advice any matter relating to or arising out of a trade dispute or trade disputes in general or trade disputes of any class or any other matter which, in his opinion, ought to be so referred.

6. An employer shall not declare or take part in a lock-out and a worker shall not take part in a strike in connection with any trade dispute unless the dispute has been reported to the Commissioner in accordance with the provisions of Regulation 4 of these Regulations and twenty-one days have elapsed since the date of the report and the dispute has not during that time been referred by the Commissioner for settlement in accordance with the provisions of that Regulation or unless in accordance with the provisions of Regulation 4 (2) the Commissioner has informed the parties who reported the dispute that the dispute will not be dealt with under these Regulations and such decision has not been altered.

7. The Commissioner may revoke or vary any order or direction made or given under these Regulations.

8. (1) If any person contravenes or fails to comply with any of these regulations or with any order made under these regulations or any direction given or requirement imposed under these regulations or under any order made under these regulations he shall be guilty of an offence and shall be liable—

- (a) on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred dollars and in default of payment of such fine to imprisonment not exceeding three months; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding twenty-five hundred dollars and in default of payment to imprisonment not exceeding six months.

(2) Where a person convicted on indictment of any offence against any of these regulations is a body corporate every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due duty to prevent the commission of the offence.

(3) Where a person convicted on indictment of an offence under these regulations is a body corporate the provision limiting the amount of the fine which may be imposed by paragraph (1) (b) above shall not apply and the body corporate shall be liable to a fine of such amount as the court thinks fit.

9. Whenever the Commissioner for Public Utilities shall be absent from Newfoundland or shall be incapacitated by reason of illness or there shall be a vacancy in the office of Commissioner for Public Utilities, the powers conferred and the duties imposed upon him by these Regulations shall be exercised and discharged by such member of the Commission of Government as shall be thereunto appointed by the Governor in Commission. (Added by amending regulation of 12th December, 1941.)

10. These Regulations may be cited as the Defence (Control and conditions of employment and disputes settlement) Regulations, 1941. (Renumbered by amending regulation of 12th September, 1941.)

## **SCHEDULE**

### **Constitution and Proceedings of Trade Dispute Boards**

1. A Trade Dispute Board (hereinafter called "a Board") shall be appointed by the Commissioner and may be for the settlement of one or more trade disputes or for disputes in a particular trade or industry or otherwise.

2. A Board shall consist of three members and the members thereof shall hold office for such term and on such conditions as the Commissioner may direct.

3.—(1) A Board shall have power to summon any witness or witnesses and to require such witness or witnesses to give evidence orally or in writing upon oath or upon solemn affirmation, and to produce such documents and things as may be deemed requisite to the full investigation of all matters relating to a trade dispute.

(2) A Board shall have the same power to enforce attendance of witnesses and to compel them to give evidence as is vested in any court of law in civil cases; and any wilfully false statement made by any such witness on oath or solemn affirmation shall be a misdemeanour punishable in the same manner as wilful and corrupt perjury; but no such witness shall be compelled to answer any question, by his answer to which he might render himself liable to a criminal prosecution.

(3) The Commissioner may engage the services of such counsel, accountants, engineers, technical advisers, or other experts, clerks, reporters and assistants as may be deemed necessary to aid and assist a Board.

(4) (a) A Board may with the consent of the Commissioner authorize and depute and such accountants, engineers, technical advisers, or other experts, or any other qualified persons, to enquire into any matter relating to a trade dispute as may be directed by the Board.

(b) The person or persons so deputed shall have the same powers which the Board has to take evidence, issue subpoenas, enforce the attendance of witnesses, compel them to give evidence, and otherwise conduct the investigation.

- (c) The persons so deputed shall report the evidence and their findings, if any, thereon to the Board. (Substituted for former paragraph 3 by amending regulation of 12th Deember, 1941.)

4.—(1) A Board shall make its award or furnish its advice as the case may be without delay and where practicable within fourteen days from the date of reference.

(2) A Board may make an interim award or awards which shall be binding pending its final award.

(3) An award on any matter referred to a Board for settlement may be made retrospective to such date not being earlier than the date on which the dispute or question to which the award relates first arose. The decision of the Board as to this date shall be conclusive.

5. Save as otherwise expressly provided in these regulations a Board may regulate its procedure and proceedings as it thinks fit.

6. If any question arises as to the interpretation of any award of a Board the Commissioner or any party to the award may apply for a decision on such question and the Board may if necessary be reconstituted for that purpose and the Board shall decide the matter after hearing the matter, or without such hearing provided the consent of the parties has first been obtained, and the decision of the Board shall be notified to the parties and shall be binding in the same manner as the decision in an original award.



## DEFENCE (BLACKOUT) REGULATIONS

CXXIII

Under the provisions of The Emergency Powers (Defence) Act, 1940, His Excellency the Governor in Commission has been pleased to make the following Regulations:

Dated at St. John's this 22nd day of November, A.D. 1941.

W. J. CAREW,  
Secretary to Commission of Government

### 1. In these Regulations—

- (a) "Commissioner" means the Commissioner for Defence.
- (b) "Motor vehicle" shall include automobile, motor bicycle and any other vehicle propelled otherwise than by muscular power; but shall not include vehicles running on fixed rails.

2. The Regulations hereinafter set forth prohibiting and regulating the display of lights shall have effect as provided by and in accordance with the provisions or orders which may be made and published from time to time as hereinafter prescribed and subject to any modification or relaxation in any such order set out.

3. An order for giving effect to these regulations (hereinafter referred to as "a blackout order") may be made by the Commissioner or by any person generally or specially authorized by him in that behalf.

### 4. A blackout order shall state—

- (a) the area in Newfoundland within which the regulations are given effect under the terms thereof; and



- (b) the time of coming into effect of the order which may be set out in the order or which may be determined by the giving of a signal prescribed by the said order; and
- (c) the period during which the order shall continue in effect which may be a definite period or until further notice is given.

5. A blackout order may provide—

- (a) that in any area the regulations shall have effect from time to time during periods provided for in the order;
- (b) that in any area the regulations shall have effect subject to any modification or relaxation or that the same shall apply only during specified periods of the day, or to specified classes of persons or otherwise.

6. A blackout order may be revoked or varied and further blackout orders may be made in respect of any area in the same manner as the original order.

7. A blackout order shall be published in a newspaper circulating in the area to which the order applies or in such other manner as the Commissioner may direct.

8. Subject to the foregoing provisions of these regulations and to the provisions of blackout orders made hereunder in any area to which a blackout order applies and during the period provided for by such order the following provisions shall have effect:

(1) During the hours of darkness it shall not be lawful—

- (a) for any light to be displayed inside any roofed building, closed vehicle or other covered enclosure in such circumstances that any illumination there-

from is visible from outside the building, vehicle or enclosure.

CXXV

- (b) for any light to be displayed otherwise than in a roofed building, closed vehicle or other covered enclosure.

(2) It shall not be lawful, whether during the hours of darkness or not, for any sky sign, facia or advertisement to be illuminated, or any light to be otherwise displayed, outside or at the entrance to any premises or on any boarding or similar structure, for the purpose of advertisement or display.

(3) (1) Nothing in paragraphs 1 and 2 of this Regulation shall render unlawful—

- (a) the display of any light which is required or authorized by or under the following provisions of these regulations.

(b) the display of any light which is authorized by the Commissioner or by any person acting under his direction so long as the conditions imposed by him or by his direction in relation to the display are complied with; or

- (c) the display of any light by any constable or ranger or any member of His Majesty's Forces acting in the course of his duty as such.

(2) Nothing in the following provisions of these regulations relating to the authorization by the Commissioner or any person acting under his direction, of the display of any lights shall be construed as limiting the generality of the provisions of this paragraph.

(4) The display of any light, the display of which would otherwise be lawful under the provisions of these regulations may, in the event of hostile attack or the

apprehension of hostile attack, be prohibited or restricted by the Commissioner or any person acting under his direction, and it shall not be lawful for any light to be displayed in contravention of any such prohibition or restriction.

Provided that this paragraph shall not apply to:—

- (a) any light displayed by any member of His Majesty's Forces acting in the course of his duty; or
- (b) any light displayed on any vehicle while it is being used for the purposes of His Majesty's Forces; or
- (c) navigation lights displayed by aircraft or at aerodromes in accordance with instructions given by the Commissioner.

(5) The provisions of these regulations relating to the display of lights shall apply also, with any necessary adaptations, to the emission of flames, sparks or glare: Provided that this paragraph shall not apply in relation to the emission of flames, sparks or glare from any railway engine, in so far as the emission of the flames, sparks or glare is necessarily incidental to the driving of the railway engine.

(6) Red lights indicating an obstruction or excavation upon or near any highway may be displayed for the guidance of traffic on such highway so long as each light is of candle power not exceeding 1.0 and the lights are so screened as to prevent light being thrown upwards or any appreciable illumination being produced on the ground.

(7) The following lights may be displayed in connection with the operation of railways:—

- (a) lights essential for the purpose of indicating obstructions, so long as the candle power does not

exceed 1.0, no light is thrown upwards, and no appreciable illumination is produced on the ground;

- (b) signal lights;
- (c) lights from head lamps and tail lamps of trains;
- (d) lights in trains used for internal illumination, so long as the intensity or illumination does not exceed 0.06 foot candles at any point at a distance of five feet from the light.
- (e) lights from hand lamps used by railway servants acting in the course of their duty as such, in so far as the use of the lights is necessary to assist them in the discharge of their said duty;
- (f) such other lights as may be authorized by or on behalf of the Commissioner.

(8) (1) Any light may be displayed which is essential for the purpose of urgent rescue, demolition or repair work carried out by members of civil defence services or by the servants or agents of government departments, local authorities of public utility undertakers, so long as—

- (a) the light is screened, so far as is practicable, so that no direct light is cast above the horizontal; and
- (b) the light is extinguished immediately on the receipt by any person having control of the light of warning of impending hostile attack, unless it is required for the conduct of work which cannot temporarily be discontinued.

(2) Except where the urgency of the work is such that it is not practicable to comply with the provisions of this

sub-paragraph, any department, authority or undertakers proposing to cause lights to be displayed by virtue of this paragraph shall give notice of their proposal to do so to the Commissioner.

(9) (1) Head-lamps on motor vehicles used during the hours of darkness shall be fitted with a mask or shield or shall have the lens painted with matt black paint or covered with material impervious to light so as to satisfy the following conditions:—

(a) that the mask or shield or the paint or material covering the lens does not permit any light to be emitted save through an aperture shaped as hereinafter described;

(b) that there shall be an aperture for the emission of light in the shape of a semi-circle of one inch radius, inverted so that the base of the semi-circle shall be above the arc, and so placed that the line (two inches in length) forming the base of the circle shall be horizontal, and the whole of the said line shall be on or below the transverse centre line of the lens of the head lamp.

(2) Motor vehicles shall not display during the hours of darkness more than two front lights which shall be of white or amber colour.

(10) Vehicles other than motor vehicles may display light from flashlights of a power not exceeding one candle power or from carriage lamps.

(11) Tramears and trolley vehicles may display such lights only as may be authorized by or on behalf of the Commissioner.

9. If in any area in respect of which a blackout order has been made under these regulations a defence alarm is given as provided by the Defence (Alarm) Regulations compliance with the said Defence (Alarm) Regulations



shall be required in manner therein provided notwithstanding anything in these regulations or in any blackout order contained.

10. If any person acts in contravention of or fails to comply with any provision of these regulations or of any order made thereunder he shall be liable on summary conviction before a Stipendiary Magistrate to imprisonment with or without hard labour for a term not exceeding one year or to a fine not exceeding five thousand dollars, or to both, and in default of payment of such fine to additional imprisonment with or without hard labour for a term not exceeding six months, and the Court before which he is convicted may, either in addition to, or in lieu of, any such punishment require that person to enter into recognizances with or without sureties to comply with the provisions of these Regulations or orders made thereunder or such provisions thereof as the Court may direct.

If any person fails to comply with an order of the Court requiring him to enter into recognizances, any Court of Summary Jurisdiction may order him to be imprisoned with or without hard labour for any term not exceeding six months.

11. Subject to the provisions of Regulation 12, these Regulations are in addition to and not in substitution for any Regulations relating to the prohibition of lights or otherwise or of general application made under the Defence Act, 1939.

12. The Regulations respecting the prohibition of lights made on the 16th day of July, 1940, under the provisions of the Defence Act, 1939, and published in the Newfoundland Gazette of the 23rd day of July, 1940, are hereby repealed.

13. These Regulations may be cited as The Defence (Blackout) Regulations.



Under and by virtue of the Emergency Powers (Defence) Act, 1940, and of all other powers vested in him, His Excellency the Governor in Commission has been pleased to make the following regulations.

Dated this 12th day of December, A.D. 1941.

W. J. CAREW,  
Secretary of Commission of Government.

1. Any Association, society, group or organization which the Governor-in-Commission by order, notice whereof is published in the Newfoundland Gazette declares to be an illegal organization shall be deemed to be an illegal organization

2. Every person who, after the publication in the Newfoundland Gazette of a notice under Regulation 1 of these Regulations continues to be or becomes an officer or member of an illegal organization, or professes to be such, or who advocates or defends the acts, principles or policies of such illegal organizations, shall be guilty of an offence against these regulations.

3.—(1) The publication in Newfoundland, and the distribution through the mails or otherwise, and the sale, and the importation into Newfoundland, of any printed or written matter, or pictorial illustration, or any phonograph record, moving picture or talking picture film, or other recording of words or pictures shall be illegal—

- (a) if the same is published or distributed or sold in Newfoundland or imported into Newfoundland by or on behalf of an illegal organization; or
- (b) if the same has been published or manufactured outside of Newfoundland by or on behalf of an illegal organization; or

- (c) if the subject matter or content thereof or the words or pictures advocate or defend the actions principles or policies of an illegal organization.

(2) Every person who publishes, distributes, sells or imports anything in contravention of these regulations, shall be guilty of an offence and it shall be lawful for any police constable or any Customs Officer or Censorship Official to seize and detain anything which has been published, distributed, sold or imported in contravention of sub-paragraph (a) of paragraph (1) of this regulation and anything the publication, distribution, sale or importation whereof would be illegal by reason of the provisions of sub-paragraph (b) or sub-paragraph (c) of paragraph (1) of this regulation and anything so seized shall be disposed of in such manner as the Commissioner for Defence shall direct.

4. In any prosecution under these Regulations if it be proved that the person charged has—

- (a) attended meetings of an illegal organization; or
- (b) spoken publicly in advocacy of an illegal organization it shall be presumed, in the absence of proof to the contrary, that he is a member of such illegal organization.

5. Subject to the provisions of Regulation 3 (2) hereof all property, rights and interests in Newfoundland belonging to any illegal organization shall be vested in and be subject to the control and management of the Custodian of Enemy Property.

6. Any person guilty of an offence against these Regulations shall—

- (a) on summary conviction be liable to a fine not exceeding two hundred dollars and in default of payment to imprisonment for a period not exceeding three months and upon a second or subsequent

conviction to imprisonment not exceeding six months or to a fine not exceeding five hundred dollars.

- (b) on conviction, on indictment, to imprisonment not exceeding two years or to a fine (not exceeding two thousand dollars and in default of payment to imprisonment for a period not exceeding six months.

7. These Regulations may be cited as the Defence (Prohibited Organizations) Regulations, 1941.

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### BLACKOUT ORDER

By virtue of the powers conferred upon me by the Defence (Blackout) Regulations dated the 22nd day of November 1941, I do hereby make the following Blackout Order.

Dated at St. John's this 15th day of December, 1941.

L. E. EMERSON,  
Commissioner for Defence

1. The area to which this Order applies is all that area within the limits or boundaries of the City of St. John's as delimited by Section 6 of The St. John's Municipal Act, 1921, and to the extent of one mile outside thereof in every direction.

2. This Order shall come into effect at midnight on Sunday the 25th day of January, 1942.

3. This Order shall continue in effect during the period from midnight on Sunday the 25th day of January, 1942, to daylight on Saturday the 7th day of February, 1942.

4. Subject to the modifications hereinafter contained, Regulations 8, 9 and 10 of The Defence (Blackout) Reg-

ulations made on the 22nd day of November, 1941, shall have effect within the aforesaid area during the aforesaid period at the following times, namely —

CXXXIII

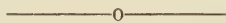
- (a) from midnight on Sunday the 25th day of January, 1942, to daylight on Monday the 26th day of January, 1942; and
- (b) between 6.30 p.m. on each day and daylight on the following day from Monday, the 26th day of January, 1942, (inclusive) to daylight on Saturday the 31st day of January, 1942; and
- (c) between 6.30 p.m. on each day and daylight on the following day from Monday the 2nd day of February, 1942 (inclusive) to daylight on Saturday the 7th day of February, 1942.

5. The following modifications upon the said Regulations shall have effect within the said area during the said period:

- (a) Nothing in paragraphs (1) and (2) of Regulation 8 of the said Regulations shall render unlawful the display of any light by any member of any military, naval or air forces acting in the course of his duty as such;
- (b) Paragraph (4) of Regulation 8 of the said Regulations shall not apply to—
  - (i) any light displayed by any member of any military, naval or air forces acting in the course of his duty; or
  - (ii) any light displayed on any vehicle while it is being used for the purposes of any military, naval or air forces.

- (c) Light may be displayed from flashlights of a power not exceeding one candle power provided that every such flashlight shall be carried by hand and that no beam of light shall be cast therefrom otherwise than downwards and within a circle of a radius of five feet from the person carrying such flashlight.
- (d) Light of a blue color may be displayed in the interior of tram cars and trolley and public service vehicles from lamps not exceeding five in number and illumination therefrom may be visible from outside such cars and vehicles.
- (e) Light may be displayed from the rear of a motor vehicle from one lamp casting a red light directly to the rear and from one lamp casting a white light upon the rear identification plate.

6. The provisions of paragraph (9) of Regulation 8 of the said Regulations relating to the head-lamps and front lights of motor vehicles shall apply to tram cars and trolley vehicles and each of the said cars and vehicles may display light from two lamps on the rear casting a red light directly to the rear.



## **EMERGENCY POWERS (DEFENCE) ACT, 1940.**

### **THE FOOD (CURRENT PRICES) ORDER, 1941**

In exercise of the powers conferred on him by the Defence (Prices of Goods) Regulations, 1941, and of all other powers him enabling the Commissioner for Public Health and Welfare hereby makes the following Order:

#### **1. In this Order:—**

“**Current Price**” means in relation to any specified food sold, agreed to be sold, or offered for sale by any



person, the prices at which, in the ordinary course of business, in the course of which that specified food was sold, agreed to be sold, or offered for sale, specified food of a substantially similar description, quality and quantity was being offered for sale by that person on substantially similar terms and conditions on the 15th day of December, 1941, provided that:

CXXXV

- (a) in relation to any specified food sold, agreed to be sold, or offered for sale in the course of a business which included both a wholesale and a retail branch, or both a manufacturing and a merchanting branch, or two or more branches in localities of a different character, or otherwise however distinguishable, the reference in this definition to the business in the course of which that specified food was sold by that person, shall be construed as a reference to the particular branch of the business in the course of which the transaction was effected and
- (b) in relation to any specified food sold, agreed to be sold, or offered for sale by any person in the course of a business or of a branch of a business, which was not being carried on by that person on the 15th day of December, 1941, or in the course of which specified food of the relevant character was not being offered for sale or was not being offered for sale on substantially similar terms and conditions at that date, this definition shall have effect with the substitution for the reference to the business in the course of which that specified food was sold, agreed to be sold or offered for sale, of a reference to a business similar to that business, or to a branch of a business similar to that branch of that business, which was then being carried on, or in the course of which specified food of the relevant character was then being offered for sale on substantially similar terms and conditions as the case may be.



**"Specified Food"** means any food specified in the Schedule to this Order.

2. Subject to the provisions of Article 3 hereof no person shall, except under and in accordance with the terms of a licence granted by or on behalf of the Commissioner for Public Health and Welfare, sell or agree to sell, or offer for sale any specified food at a price exceeding the current price.

3. This Order shall not apply to the sale of any specified food as part of a meal served by a caterer in the course of a catering business carried on by him.

4. No person shall in connection with the sale or disposition, or proposed sale or disposition of any specified food to which this Order applies enter or offer to enter into any fictitious or artificial transaction or make or demand any unreasonable charge.

5. Infringements of this Order are offences against the Defences (Prices of Goods) Regulations, 1941.

6. This Order shall come into force of the 1st day of January, 1942 and may be cited as The Food (Current Prices) Order 1941.

Dated the 29th day of December, 1941.

J. C. PUDDISTER,  
Commissioner for Public Health and Welfare.

#### **SCHEDULE**

Liquid cow's milk including skimmed milk.

## DEFENCE (PRICES OF GOODS) REGULATIONS

CXXXVII

Under the provisions of The Emergency Powers (Defence) Act, 1940, His Excellency the Governor in Commission has been pleased to make the following Regulations.

Dated at St. John's this 29th day of December, A.D.

W. J. CAREW,

Secretary of Commission of Government

1.—(1) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say—

(a) “Commissioner” means Commissioner for Public Health and Welfare or in his absence such other Commissioner as shall be appointed in his stead by the Governor in Commission.

(b) “business,” unless the context otherwise requires, includes a branch of a business.

(c) “price-controlled goods,” in relation to any business, means goods of a description for which a maximum price has been fixed in relation to that business by an order for the time being in force under these Regulations.

(2) References in these regulations to a business that includes the selling of goods or goods of any particular description, include references to a business which consists wholly of the selling of goods or goods of that description.

(3) In these Regulations references to an offer to sell goods include references to a notification by a person—

(a) of the price proposed by him for a sale of goods, whether made by the publication of a price list, by

exposing the goods for sale in association with a mark indicating price by the furnishing of a quotation or otherwise howsoever; or

- (b) of the price proposed by him for goods which he has sold or agreed to sell in such circumstances that the buyer is liable to pay a reasonable price therefor, whether made by furnishing an account or otherwise howsoever.

(4) References in these Regulations to a person carrying on a business include references to a person employed to manage a business by the person carrying it on.

2.—(1) The Commissioner may by order fix the maximum price to be charged, in the course of a business of any class specified in the order, for goods of any description so specified; and it shall be unlawful for any person in the course of any such business to sell, agree to sell or offer to sell, any such goods at a price which exceeds the maximum price fixed by the order in relation to that business.

(2) Any such order may fix different maximum prices to be charged in the course of businesses of different classes for the same description of goods.

(3) Any such order fixing the maximum price to be charged for goods of any description in the course of a business which includes the selling of the goods may require such steps as may be specified in the order to be taken to bring the said price to the notice of persons to whom the goods are offered for sale in the course of the business.

(4) Any such order may, instead of specifying the maximum price to be charged in the course of a business or any class for goods of any description, direct that that price shall be computed in such manner and by reference to such matters as may be provided by the order.

(5) If any person sells, agrees to sell or offers to sell any goods in contravention of paragraph (1) of this Regulation he shall be guilty of an offence under these Regulations:

Provided that—

- (a) where it is proved that an offer or agreement made in contravention of the said paragraph has been followed by an agreement or sale so made in pursuance of that offer or agreement, those transactions together shall be taken to constitute a single offence; and
- (b) it shall be a defence for a person charged with a contravention of the said paragraph to prove that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instruction of his employer or of some other specified person.

(6) If any of the provisions of any order made by virtue of paragraph (3) of this Regulation are not complied with as respects any business, the person carrying on the business shall be guilty of an offence under these Regulations and liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding five hundred dollars or to both such imprisonment and such fine.

**3.—**(1) The Commissioner may by order make provision, as respects goods of any description to which the order applies, for prohibiting, except under license and subject to such conditions as may be specified in the license—

- (a) the re-sale otherwise than by retail, in the course of any business which includes the selling of goods of that description, of any goods of that description which have been bought in the course of that

business, not being goods imported, or bought from the manufacturer or importer thereof, in the course of that business; and

- (b) the re-sale in the course of any such business of any goods of that description which have been bought by retail in the course of that business.

(2) If any of the provisions of an order made under this Regulation, or any of the conditions specified in a licence issued under such an order, are contravened as respects any business, the person carrying on the business shall be guilty of an offence under these Regulations.

4.—(1) The following provisions of this regulation numbered 3 shall have effect where an order is made by virtue of paragraph 4 of regulation 1 of these regulations directing that the maximum price to be charged in the course of a business of any class for goods of any description shall be computed in such manner and by reference to such matters as may be provided by the order.

(2) Where a prosecution has been instituted in respect of a sale of, or an agreement or offer to sell, any goods to which any such direction relates in the course of a business to which any such direction relates at a particular price, and the person charged has been found guilty, then—

- (a) if the prosecution was in respect of a sale or agreement, the buyer under that sale or agreement, and
- (b) whether the prosecution was in respect of a sale or agreement or of an offer, the buyer under any sale of similar goods, or under any agreement to sell similar goods effected at the same or a higher price in the course of that business in contravention of Regulation 1 of these Regulations before the date of the finding.



shall have the following rights, exerciseable, subject as hereinafter provided, at his option.

CXLI

(3) He shall have the right to treat the sale or agreement as avoided, and to recover from the seller, as money received by him for the use of the buyer, any amount paid by the buyer as consideration therefor:

Provided that the buyer shall not be entitled to exercise the right conferred by this paragraph if any rights acquired by a third party would be prejudiced by his so doing, or after the lapse of an unreasonable time from the date of the sale or agreement, or, in the case of a sale, unless he tenders the goods to the seller in substantially the same state as that in which they were when the property passed to the buyer.

(4) He shall have the right to affirm the sale or agreement, but to recover as aforesaid to the extent of any loss sustained by him by reason of the contravention, regard being had to any consideration received or to be received by him for a resale of, or an agreement to resell, the goods.

(5) Any sum recoverable by virtue of this Regulation shall be recoverable with interest thereon at the rate of five per cent. per annum from the date when it was paid.

(6) The rights conferred by this Regulation shall not be exerciseable by a person who is himself liable to punishment by reason of his having aided, abetted, counselled or procured, the contravention in question.

5. Except in the case of goods of a description as to which there is for the time being in force an order made by the Commissioner directing that this paragraph shall not have effect in relation thereto, these Regulations shall not apply to a sale, or to an agreement, or offer to sell, for an amount fixed by auction,



6. The illegality by virtue of these Regulations of any transaction shall not prejudice any rights acquired by any person other than a person who is guilty of a contravention of these Regulations in respect of the transaction, or who is liable to punishment by reason of his having aided, abetted, counselled or procured such a contravention.

7.—(1) No information with respect to any particular business which has been obtained under these Regulations shall, without the consent of the person carrying on that business, be disclosed otherwise than in connection with the execution of these Regulations:

Provided that nothing in this Regulation shall apply to a disclosure of information made for the purpose of any criminal proceedings which may be taken whether by virtue of these Regulations or otherwise, or for the purposes of a report of any such proceedings.

(2) If any person discloses any information in contravention of this Regulation, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred and fifty dollars or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred dollars, or to both such imprisonment and such fine.

8.—(1) Where a person (hereinafter in this paragraph referred to as the "offerer") offers in the course of any business to enter into a transaction for a consideration to be given as a whole both in respect of price-controlled goods and in respect of any other goods or matter, any person to whom the offer is made, may require the offerer to state in writing what part of the consideration the offerer assigns to the price-controlled goods.

(2) The Commissioner may at any time within twenty-one days beginning with the day on which any person has offered to enter into such a transaction as aforesaid,

by notice in writing require him to make to him such a statement as aforesaid.

CXLIII

(3) Where, in pursuance of a requirement made under this Regulation, a person making an offer states what part of the consideration he assigns to the sale of any price-controlled goods, he shall be deemed, for all the purposes of these Regulations, to have offered to sell those goods for the part of the consideration so stated.

(4) If a requirement made under this Regulation as respects an offer made in the course of any business is not complied with, the person carrying on the business shall be guilty of an offence under these Regulations.

9. If a person carrying on a business in the course of which price-controlled goods of any description are normally sold offers to sell the goods subject to a condition requiring the buying of any other goods (whether price-controlled or not) or the making of any payment in respect of any service, or subject to any other condition, except a condition that the buyer shall pay the price forthwith or take delivery within a reasonable time; the person carrying on the business shall be guilty of an offence under these Regulations.

10.—(1) It shall not be lawful for any person in the course of any business to transfer, agree to a transfer, or offer to transfer to another person the property in any price-controlled goods, whether with or without any further consideration, for a consideration which consists of or includes the transfer by that other person of the property in other goods, whether price-controlled or not.

(2) For the purposes of the last foregoing paragraph, references to the transfer by any person of the property in goods shall include references to the transfer of his interest in goods the property in or possession of which he has for the time being transferred to another person as security for a debt.

(3) If any of the foregoing provisions of this Regulation are contravened as respects any business, the person carrying on the business shall be guilty of an offence under these Regulations.

(2) Any such order may provide—

(a) for the application of the order either to all price-controlled goods or to price-controlled goods of such description as may be prescribed, and either to all businesses or to business of such classes as may be prescribed;

(b) for requiring an invoice furnished under the order to contain the prescribed particulars, being particulars which appear to the Commissioner to be material for determining whether paragraph (1) of Regulation 1 of these Regulations has been contravened;

(c) for requiring the buyer —

(i) in the event of his not receiving an invoice containing the prescribed particulars, to demand such an invoice and inform the seller that he is buying in the course of a business to which the order applies.

(ii) to give notice to the prescribed person of any failure by the seller to furnish an invoice in accordance with the order; and

(iii) to preserve for the prescribed period any invoice furnished to him in accordance with the order.

(3) In this Regulation the expression “prescribed” means prescribed by an Order under this Regulation.

(4) If any of the provisions of any order made under this Regulation are not complied with by a person carry-

ing on a business, he shall be guilty of an offence under these Regulations.

CXLV

(4) Where in the course of any business, a person transfers, agrees to transfer, or offers to transfer to another person for a money consideration his interest in any price-controlled goods, the property in or possession of which he has for the time being transferred to a third person as security for debt, he shall be deemed for all the purposes of these Regulations to have sold, agreed to sell or offered to sell those goods to the second mentioned person, for a price equal to the sum of the following amounts, namely—

- (a) the amount of the said money considerations;
- (b) the amount of the said debt and any interest payable thereon; and
- (c) the amount of any charges payable to the said third person in respect of the goods.

**11.** It shall be the duty of the Commissioner:

- (a) to provide for the enforcement of the provisions of these Regulations and of any order made under these Regulations;
- (b) to keep under review the prices at which goods are being sold or being offered for sale;
- (c) to receive any representations which may be made to him by any person engaged in any business affected by any order made under these Regulations seeking revision of such order.

**12.—(1)** For the purpose of enforcing the provisions of these Regulations, the Commissioner may appoint inspectors.

(2) An inspector appointed under this Regulation shall, for the purpose aforesaid, have power at all reasonable times, on production of a certificate of his appointment—

(a) to enter any premises occupied for the purpose of a business which he has reason to believe to include the selling of any goods;

(b) to inspect any goods found on any such premises;

(c) to require any person carrying on or employed in connection with any such business—

(i) to produce to, and allow to be examined by him any accounts, books or other documents in the custody or under the control of the person so required, being documents relating to that business the examination of which he may reasonably require for the purposes of these regulations; and

(ii) to furnish to him any information as respects that business which he may reasonably require for the said purposes.

(3) If any person obstructs an inspector in the exercise of the powers conferred upon him by this Regulation he shall be guilty of an offence under these Regulations and liable on summary conviction to a fine not exceeding two hundred and fifty dollars or to imprisonment for a term not exceeding three months.

13.—(1) The Commissioner may by order make provision for requiring that, where price-controlled goods are sold in the course of a business and bought in the course of another business, the person carrying on the first-mentioned business (hereafter in this Regulation referred to as “the seller”) shall furnish an invoice to the person carrying on the second-mentioned business (hereafter in this Regulation referred to as “the buyer”).



**14.—(1)** The Commissioner may—

CXLVII

- (a) by notice in writing require any person carrying on a business which includes the selling of any price-controlled goods; or
- (b) by order require all persons carrying on businesses which include the selling of any price-controlled goods;

to keep such books, accounts and other records in relation to the business, and in such form, and containing such particulars with respect to such matters, as may be specified in the notice or order.

(2) The Commissioner may by notice in writing require any person carrying on a business which includes the selling of any goods (whether price-controlled goods or not)—

- (a) to produce to, and allow to be examined by, a person specified in the notice such books, accounts or other documents in the custody or under the control of the person so required as may be specified or described in the notice, being documents relating to that business the examination of which may reasonably be required for the purposes of these Regulations; and
- (b) to produce to a person so specified such information as respects that business as may reasonably be required for the purposes of these Regulations.

**15.—(1)** If any person makes default—

- (a) in complying with a notice or order given or made under paragraph (1) of Regulation 13; or
- (b) in producing or furnishing any book, account or other document or any information which he is



required under these Regulations to produce or furnish;

he shall be guilty of an offence under these Regulations and shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars, and if after being so convicted he continues to make the like default, he shall be guilty of a further offence under these Regulations and shall be liable on summary conviction to a fine not exceeding two hundred and fifty dollars for each day on which the default continues after the first-mentioned conviction, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

(2) If any person—

- (a) being required under these Regulations to produce any book, account or other document, produces with intent to deceive any book, account or other document which he knows to be false in a material particular; or
- (b) being required under these Regulations to furnish any information or in reply to any enquiry made by or on behalf of the Commissioner with respect on behalf of the Commissioner with respect to any matter which may affect the exercise of their powers under these Regulations makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular;

he shall be guilty of an offence under these Regulations.

16.—(1) Any person guilty of any offences under these Regulations for which no other penalty is expressly provided shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding three months, or to a fine not

exceeding five hundred dollars, or to both such imprisonment and such fine; or

CXLIX

- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine not exceeding two thousand dollars or to both such imprisonment and such fine

(2) Where a person not being a body corporate, is charged with an offence under any provision of these Regulations which expressly provides that the person carrying on a business shall be guilty of an offence under these Regulations, it shall be a defence for him to prove that the act or default in respect of which he is charged was committed by some other person without his consent or connivance, and that he exercised all such diligence to prevent the commission of the act or default as he ought to have exercised having regard to all the circumstances.

(3) On the third or any subsequent occasion on which a person is found guilty of an offence under these Regulations, the court may, on the application of the Attorney General, or on the application of the prosecutor made with the consent of the Attorney General, make such order, having effect during such period, as the court thinks fit for preventing the offender from carrying on, or being concerned directly or indirectly in the carrying on of, the business in the course of which the transaction constituting the offence was effected, or any branch of that business, or any business or branch of a business, of a similar character; and any person contravening an order made under this subsection shall be guilty of an offence and shall be liable—

- (a) on summary conviction to imprisonment for a term not exceeding three months; or
- (b) on conviction on indictment, to imprisonment not exceeding five years.

(4) Where a person convicted on indictment of any offence to which this paragraph applies is a body corporate, no provision in these Regulations limiting the amount of the fine which may be imposed shall apply to the body corporate and the body corporate shall be liable to such fine as the court thinks just.

17. Where a person convicted of a contravention of any of the provisions of these Regulations is a body corporate, every person who, at the time of the contravention, was a director or officer of the body corporate, shall be deemed to be guilty of that contravention, unless he proves that the contravention was committed without his consent or connivance and that he exercised all such diligence to prevent the contravention as he ought to have exercised having regard to the nature of his functions as a director or officer of that body and to all the circumstances

18.—(1) Any order made by the Commissioner under these Regulations may be varied or revoked by a subsequent order made by the Commissioner.

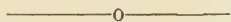
(2) The definition in any order for any of the purposes of these Regulations of a description of goods may be framed by reference to any circumstances whatsoever.

(3) The Commissioner may make regulations for prescribing the procedure to be followed in relation to anything required or authorized to be done under these Regulations, otherwise than in relation to proceedings in any court, and generally for giving effect to the provisions of these Regulations.

19. Notwithstanding the foregoing provisions of these Regulations or of any order made hereunder the Commissioner may from time to time by licence to any person or class of persons exempt any particular transaction or class of transactions from any of the provisions of these regulations or any order hereunder and may attach conditions to any such licence.

20. These Regulations may be cited as the Defence (Price of Goods) Regulations, 1941.

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## DEFENCE (RENT RESTRICTIONS) REGULATIONS

Under the provisions of The Emergency Powers (Defence) Act, 1940, His Excellency the Governor in Commission has been pleased to make the following Regulations.

Dated this 29th of December, A.D. 1941.

W. J. CAREW,  
Secretary of Commission of Government

### 1. In these Regulations—

- (a) “Commissioner” means Commissioner for Public Health and Welfare or, in his absence, such other Commissioner as shall be appointed in his stead by the Governor in Commission.
- (b) the expressing “dwelling to which these regulations apply” shall mean a house or part of a house let as a separate dwelling in any part of Newfoundland provided that:

(i) these regulations shall not apply to a dwelling let at a rent which includes payments in respect of board or use of furniture, unless by order of the Commissioner, which order may be made by him in respect of any dwelling if he shall be satisfied that the charge for rent which includes such payments is not made bona fide, but for the purpose of evading these regulations.

(ii) the application of these regulations to any house or part of a house shall not be excluded by

reason only that part of the premises is used as a shop or office or for business, trade or professional purposes.

(iii) The Commissioner may by order provide that any dwelling or class of dwellings shall not be affected by these regulations in whole or in part.

(c) The expressions "landlord" and "tenant" include any person from time to time deriving title under the original landlord or tenant.

(d) the expression "landlord" also includes in relation to any dwelling any person, other than the tenant, entitled to possession of the dwelling and the expression "tenant" includes sub-tenant and the expression "let" includes sublet.

2. The Commissioner shall have power from time to time to investigate of his own motion or on complaint the rental at any time charged or demanded by any person for any dwelling to which these regulations apply.

3. Subject to the provisions of these regulations hereinafter contained, where the rent of a dwelling to which these regulations apply has been since the thirtieth day of June One thousand nine hundred and forty-one, or is hereafter while these regulations continue in effect, increased above the rent at which the dwelling was let on that date, the amount by which the rent payable exceeds the amount which would have been payable had the increase not been made, shall, notwithstanding any agreement to the contrary, be irrecoverable.

4. The Commissioner may fix the maximum rental at which any dwelling to which these regulations apply may be rented or offered for rent by any person and in such case any amount in excess of the maximum so fixed shall, notwithstanding any agreement to the contrary, be irrecoverable.



5. Any transfer to a tenant of any burden or liability previously borne by the landlord shall for the purposes of this Act be treated as an alteration of rent, and where, as the result of such a transfer, the terms on which a dwelling-house is held are on the whole less favourable to the tenant than the previous terms the rent shall be deemed to be increased, whether or not the sum periodically payable by way of rent is increased, and any increase of rent in respect of any transfer to a landlord of any burden or liability previously borne by the tenant where, as the result of such transfer, the terms of which a dwelling-house is held are on the whole more favourable to the tenant than the previous terms shall be deemed not to be an increase of rent for the purposes of these regulations.

6. A person shall not in consideration of the grant, renewal or continuance of a tenancy of any dwelling-house to which these regulations apply require the payment of any fine, premium, or other like sum in addition to the rent, and where any such payment has been made in respect of any such dwelling-house after the date of first publication in the Newfoundland Gazette of these regulations, then the amount shall be recoverable by the tenant by whom it was made from the landlord, and may without prejudice to any other method of recovery be deducted from any rent payable by him to the landlord, but this provision shall not apply to any payment under an agreement entered into before the 30th day of June, 1941.

7. Any landlord affected by these regulations, or any person acting on his behalf, may apply to the Commissioner for an order authorizing an increase of rent in respect of any dwelling to which these regulations apply, and the Commissioner shall cause enquiry to be made into the merits of every such application.

8. Any tenant who occupies any dwelling to which these regulations apply, or any person acting on his

behalf, may apply to the Commissioner for an order under Regulation 4 of these regulations fixing the maximum rental at which such dwelling may be rented, and the Commissioner shall cause enquiry to be made into the merits of every such application.

9. The Commissioner may appoint one or more Boards each consisting of not less than three members whose duty it shall be

- (a) to conduct on behalf of the Commissioner any investigation under these Regulations which he shall require the Board to make, and
- (b) to make enquiry on his behalf into the merits of applications made to the Commissioner under these Regulations which he shall refer to the Board,

and to report back to the Commissioner the result of any such investigation or enquiry with recommendations.

10.—(1) A Board appointed by the Commissioner under these Regulations shall have power to summon any witness or witnesses and to require such witness or witnesses to give evidence orally or in writing upon oath or upon solemn affirmation and to produce such documents and things as may be deemed requisite to the full investigation of all matters relating to any application which has been referred to the Board, or to any investigation which the Board has been required to make.

(2) Any such Board shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in any Court of Law in civil cases, and any wilfully false statement made by any such witness on oath or solemn affirmation shall be a misdemeanour punishable in the same manner as wilful and corrupt perjury, but no such witness shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution.

11. If, upon enquiry made by him or as a result of the report of any Board appointed, the Commissioner is satisfied in respect of the application of any landlord or any person on his behalf that—

- (a) the landlord in respect of any dwelling the subject of enquiry has since the commencement of the present war incurred, or during the continuance of these regulations incurs any expenditure on repair of the dwelling in excess of the expenditure normally required, or any expenditure on the improvement or structural alteration of the dwelling, or
- (b) in respect of any such dwelling the landlord is subject to increased liability for ground rent, taxes, rates, insurance, provision of heat or otherwise, or
- (c) without limitation by reference to the foregoing if in respect of any such dwelling there are any special circumstances whereby an increase of rent is justified.

then the Commissioner may make an order accordingly, authorizing an increase in rent and stating the amount thereof and the date from which the same may come into effect.

12. No order for the recovery of possession of a dwelling to which these regulations apply, or for the ejection of a tenant therefrom, shall be made so long as the tenant continues to pay rent at the agreed rent as modified by these regulations or by any order made hereunder, and performs the other conditions of the tenancy, except on the ground that the tenant has committed waste or has been guilty of conduct which is a nuisance or annoyance to adjoining or neighbouring occupiers, or that the premises are reasonably required by the landlord for the occupation of himself or some other person in his employ or in the employ of some tenant from him or on some

CLVI

other ground which may be deemed satisfactory by the Court making such order.

13. These regulations may be cited as the Defence (Rent Restrictions) Regulations, 1941.







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